

the Houses



# the Houses

towards a sustainable penitentiary approach

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LIGA VOOR  
MENSENRECHTEN

First published in Belgium in Dutch (2012) and French (2015) by ASP (Academic and Scientific Publishers nv.) Brussels.

ISBN 978 90 9030 344 4

NUR 821

Wettelijk depot D/2017/vzw De Huizen, uitgever.  
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Editorial organisation by Hans Claus, Kristel  
Beyens, Ronny De Meyer, Marjan Gryson,  
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vzw De Huizen - Les Maisons asbl  
Kortrijksesteenweg 39  
B - 9000 Gent  
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in association with *Liga voor Mensenrechten*.

Translations: Jacques Rommel - Tertius,  
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Proof reading: Neil Paterson.

Printed by Cultura, Wetteren.

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# Foreword



**HANS CLAUS**

## **The problems**

Prisons are constantly in the news nowadays. Overcrowding, riots, breakouts, hostage situations. Month after month we are confronted with the failure of the system.

To solve the problem of prison capacity, public opinion and politicians are inclined to build more prisons so that pressure in the system can be eased and we can focus on more meaningful incarceration.

But for those working in the system with critical opinions, this solution seems rather short-sighted.

The phenomenon of prison overcrowding gradually emerged in the mid 1980s. Short prison sentences were seen as highly ineffective. Incarceration disrupted the prisoner's social fabric and the stigma attached to ex-convicts prevented any effective rehabilitation. In prison, moreover, inmates got to know other prisoners, including those serving long-term sentences. This led to prisoners embarking on fully fledged criminal careers with more serious crimes and new victims as a consequence. As a result, both sentences and the average length of incarceration

steadily increased. When the first capacity problems arose, it was logical to remove the short-term inmates from the system. This occurred at the time by means of the collective pardon. That seemed to be a lesser evil than the continued imprisonment of short-term inmates. This form of 'policy' generated, however, a feeling of impunity which soon assumed ever-increasing proportions and in turn fanned the call for a stricter approach.

In other words, a vicious circle developed, which we cannot deal with only by increasing capacity: on the contrary. Today, twenty years later, the average sentence length has greatly increased and there is no end in sight to that evolution. Since the mid 1980s, the prison population has also increased by about 75 per cent.

Shouldn't we question the way in which we organize detention, that is in traditional prisons based on the notion of control?

Imprisonment itself and what we intend to achieve by it has indeed evolved.

The most tangible proof of that evolution is to be found in the Basic Act concerning the prison system and the legal status of the prisoners.

But there was clearly a shortage of insight when it came to the question of how to adapt the penal infrastructure to the new sentencing objectives. Proof of this is the copying of the nineteenth-century star-shaped prison for the new prisons that are to be built.

These cellular prisons, which were designed in the early nineteenth century, centre on individual incarceration and isolation from other prisoners. It was possible to ensure ‘mass’ individual incarceration thanks to the ingenious panopticon model.

At the time people firmly believed in the salutary virtues of isolation. They expected the prisoner to improve morally by being cut off from negative influences, by being delivered to the beneficial influence of the chaplain and by promoting self-reflection.

New insights in the social sciences then emerged concerning human development and external causes of criminality. Also, practical experience with solitary confinement and its disastrous psychological consequences led to the decision to authorize social contact between inmates. However, this occurred in an infrastructure that does not enable these social interactions to result in positive change. On the contrary, the panoptic structure, geared towards control, continuously imposes uniformity and prevents a differentiated approach, whether group-oriented or even on an individual basis.

When one thinks that very diverse groups have to live together behind the same walls as a result of their incarceration, this is not only problematic in terms of the possibilities for positive change, but also in terms of safety. We can only solve these prison problems if we abandon the traditional prison concept.

## The solution

This persuaded me to undertake something, to bring people together who are not only convinced of the difficulties in maintaining the current prison system, but who also wanted to reflect on how to better organize it in the future.

To counsel the inmates in a responsible manner, we must no longer incarcerate offenders in institutions but in **Detention houses**. That is the novelty.

Moreover, a change-orientated approach can only bear fruit if the incarceration and rehabilitation efforts are brought together in the form of a **Solution Plan** that, before it comes into force, must be considered and accepted by the sentence implementation court. For both the prisoner and all parties involved in rehabilitation, certainty about the progress of the incarceration and rehabilitation delivers more than simple risk assessment without any substantial follow-up. The need for control and uniformity thereby threatens any individualized effort.

Normalization, giving a sense of responsibility, participation, rehabilitation and compensation: these sentencing objectives set out in the Basic Act can hardly take place in rows of cells, neither those from the nineteenth century, nor the new ones from the twenty-first century.

Retribution and deterrence, which are objectives of the sentence determination and not of sentence implementation, keep surfacing and play an important role in the resistance to change.

This can be seen in the remark: ‘is incarceration in a Detention house still a punishment?’ One lets the symbolic value of the deterrence-



based infrastructure prevail over the question of whether other forms of incarceration would not better meet the sentencing objectives set out in the Basic Act.

### **This book**

The ‘Differentiated Sentence Implementation’ project of the *Liga voor Mensenrechten* (the Flemish Human Rights League) began in March 2011 and grew substantially in a short period of time. Not only did many people rapidly become involved, but in terms of substance too the concept of a new form of incarceration matured in a relatively short time (18 months).

This book contains conclusions and proposals in terms of contents: infrastructural answers, a staff plan, and legal proposals. Plans, models, calculations and tables are available.

Who can oppose a better elaborated and better differentiated implementation of custodial sentences? Criticism surrounding the evolution from prisons to Detention houses is rarely based on the content of our proposals. The critics mainly point to the possible additional cost of small-scale incarceration. They claim that people object to moving away from what they are familiar with and they point to Nimbyism. That is why it is useful to go into more detail. A lot has to do with proper information and rational communication.

The word that most speaks to the imagination and has inspired a lot of creativity is ‘Houses’. It is sometimes also a source of confusion. Not every Detention house can look like a house – some, more open forms, certainly can. But the

word does reflect the scale on which we are thinking.

That small scale is essential. The clustering of houses is sometimes necessary, but must remain limited in scope. We recommend at most three houses of ten people. Because a personal approach is the core of good sentence implementation.

That small scale makes it possible to differentiate in actual fact and efficiently. The size of the average prison today is too oppressive and diminishes the quality of the approach. Incarceration in small groups is better than mass incarceration and is also better than solitary confinement. That is precisely why Detention houses are necessary.

The idea sometimes surfaced of combining the small scale with economies of scale, leading to the idea of building many small pavilions – or houses – on a single terrain. But the concept that seeks to spread many Detention houses across the country also makes incarceration more accessible for the community in assuming some responsibility for sentence implementation and offers a shorter journey for the inmate who wishes to assume his responsibility with regard to his victims and/or society. It even makes ingenious plans for urban renewal possible and opens up the way for a rational approach to future capacity problems, not only in the sentence implementation, but also in the treatment and support of offenders.

And many houses on a single domain are still essentially one institute, in which uniformity will become inevitable over the course of time.

## **The ambition**

This book seeks to be a reference work for whoever wishes to tackle incarceration in the future.

It exudes the will to change and also the belief that change is possible. In the light of incarceration today, a network of Detention houses possibly seems utopian. It could also be misunderstood in the sense that a new infrastructure solves everything or that the extent to which man can change is really taken as a starting point.

But we are not that ambitious. We just want to do things better. Society is evolving and it is better for incarceration to follow that evolution.

We also know that such changes require time, the time that is necessary to acquire trust in new forms of incarceration. Just as it took time to replace physical punishments by imprisonment.

However, the time for change is ripe. I return to the malaise that clearly reigns with regard to prisons. For a long time already practitioners have been asking for a better and different form of sentence implementation. These plans have now made their way to the highest political agendas.

Detention houses make tailor-made sentences possible. This is nothing more than a social necessity.

# Introduction

HANS CLAUS

*Based on 'De huizen, een concept voor de Belgische gevangenis van de eenentwintigste eeuw', in De Orde van de Dag, Issue 48, December 2009*

This plea is based on practical experience, and more specifically on the stories of prisoners, of how they experience their cohabitation with other prisoners and with the staff within our cellular prisons.

If we want to aim for a new infrastructure we will have to understand in the first instance how and why the old infrastructure is falling short. There is no one better placed than the prisoners themselves to tell us something about this.

It goes without saying that these stories reveal not only the infrastructural shortcomings, but also structural shortcomings in the organisation of sentence execution.

That is why, for the concept for a Belgian prison in the twenty-first century, I will develop proposals for both infrastructure and organization.

In order to illustrate the fact that infrastructure is a highly coercive condition for a specific way of working, I want to use the example of the renovation of the Nieuwe Wandeling prison in Ghent. By removing the bars that separated the

centre from the wings in the early 1970s, staff have been obliged for the past 40 years to meet the prisoners physically and therefore to talk to them. I can testify to the fact that this works, that this improves the atmosphere in the prison and that it also increases security. Without such an infrastructural intervention, these improvements would never have been achieved.

But indeed more is necessary than just removing the bars from the existing buildings. My argument will show that it is best to abandon the cellular concept altogether.

## The stories

I realize that I haven't conducted a scientific study to collect, classify and analyse the prisoners' stories. But 23 years of active listening have led me to see that these stories fall into two categories.

The first kind teaches me that the inmates in our prisons always behave like wolves towards their fellow inmates. No one seems to trust anyone. As a prisoner your instinct for survival forces you to build up as much subcultural authority as possible, authority which you obtain by kicking against the system that has locked

you up. The system itself responds with disciplinary measures. And so the dynamic is perpetuated. In the end, the inmates in our prisons are left to themselves and to their fellow inmates, and with a bad reputation you get a lot more done from your fellow inmates.

An infrastructure in which officials look on from a distance at dozens of prisoners who sit in rows of cells is conducive to such a climate.

The second kind of story evokes the disconcerting fragmentation of authority. In this way 'the State' fails to really enter into contact with the sentenced person. Prison and post-prison services work in a scattergun way. Legal and administrative worlds only communicate via administrative channels about the individual on trial. The Federal government and the Communities approach the same people from different starting points. That individual on trial gets bogged down in the solutions that he has learned to develop in the course of his life, often the hard way, through the mazes of the judicial and assistance web, often moving from one prison sentence to the next.

### **The mistakes of the past**

When I now reflect on the form that the new prisons should take, then I wish to base my argument on these stories in order to analyse what went wrong structurally and why we now have such a capacity problem. I believe that the structure of the buildings has a lot to do with this.

We can of course point the finger at the international and global context, at the growing readiness to hand out prison sentences in our Western society and hold that responsible for the growth in the prison population. But these few decades of stories also reveal a typically Belgian failure,

to which the gigantic construction projects of the nineteenth century have, I believe, made a significant contribution.

The lack of a genuine penal policy in Belgium is in part responsible for the particularly expensive master plan which we are now facing. If we do not draw any lessons from the past in order to build a different type of prison infrastructure, this huge investment is going to saddle us once more in the future with a predictable growth in the prison population.

Let's not put the same old wine in new bottles!

### **A lack of penal policy**

The story of the convict who ignores, at the time of his incarceration, the length of time he is going to have to spend in prison, who after years of detention is told that he has to undergo counselling before he will be authorized to access another mode of sentence implementation but who fails to find an institution to counsel him and who - as a result - sees his incarceration grow longer, speaks volumes.

There is apparently little concordance between what the legislator wants, what the judge decides, and the practice of the sentence execution. The state has failed to develop pre- and post-prison alternatives to prison sentences. A form of imprisonment that provides a meaningful answer to the issues facing the prisoner is still lacking.

Overall, the fragmentation of competences (the federal government retains the power to sentence while the regional authorities are responsible for assistance and care for the same convict) has not enhanced the prisoner's situation. An effective sentence could in fact be a more intensive, a temporarily residential and partly imposed

form of care. But in Belgium, incarceration as a means of punishment is still equivalent not only to postponing the care that is required, but by not providing that care, the incarceration lasts longer than desired! Where incarceration is very often the result of not providing care and counselling in a timely manner, this status is merely perpetuated. This vicious circle means longer prison terms, and these in turn lead to overcrowding in our prisons. The construction of new prisons appears then as the only solution.

For decades, the provision of assistance and services outside the prisons has resulted in the most difficult cases - where behavioural problems are most profound- being effectively shunted towards the prisons. The practice of re-incarcerating convicts who have been released on licence is a clear example of this trend. The prison annex is too often used as a time-out department for the care institutions.

With regards to the provision of care in the prisons, it is only recently that such structures for assistance have been established in all prisons. The decision to implement these services was, however, taken before the evaluation of the trial projects (which were still running) had been completed.

The way in which these structures have developed is characterised on one hand by an unwillingness to get involved with the criminal justice system and, on the other, by not standing up to the traditional prison hierarchy. So, where treatment and sentence execution should be complementary,, the prisoner is confronted with both social workers (counsellors and organizers) from the communities and a psycho-social service (PSS) from the prison service. They largely work apart from each other and with distinct objectives. A lot of energy goes in to keeping both services separate. It shouldn't of course be like

this because both services are working with the same prisoner. In practice, however, it appears that clear organisational boundaries are considered to be preferable to a cohesive and joined-up approach.

The social worker looks into what can help the prisoner based on his own insights. (not necessarily a bad thing, but the prisoner only really makes progress if he can obtain a favourable report from the PSS). That PSS starts out, also justifiably,, from concerns relating to reoffending which are then used to make decisions concerning the granting of release passes, holidays, limited imprisonment, electronic surveillance, conditional release, etc.

No one is making the synthesis between both these approaches. And this is something we have apparently done on purpose. As a consequence, the prisoner is left to his own devices or the whims of his fellow prisoners. Because of this binary approach, what is offered to prisoners is often far removed from what they require for successful rehabilitation.

In addition, the authorities in contemporary Flanders have been happy to cede the task of developing services to prisoners to non-state actors. I refer specifically to the treatment of drug addiction inside the prisons. When addiction services finally got off the ground, they were only able to secure subsidies by becoming part of an unwieldy state bureaucracy.

My analysis is thus that penal policy in this country has failed in part because there has been a lack of effective policy that the prisoner could feel. Service delivery to prisoners was tardy and sparse and was not in tune with what society and the sentence execution court expected from prisoners. The fragmentation and division of powers mean that the prisoner stays locked up for longer, that counselling is postponed until after

he has been released, and as a consequence he is forced to rely on his fellow prisoners.

And even after release the prisoner must repeat his story for the umpteenth time, this time to a judicial assistant from the Houses of Justice (probation service), who is responsible for his supervision and this from yet another perspective.

### **The infrastructural roots of the problem**

The prison infrastructure also contributes to this hybrid, almost schizophrenic situation. Our cellular prisons from the nineteenth, twentieth and twenty-first centuries were built to dominate, to control and to prevent the collective cohabitation of prisoners. Surveillance prevailed at the time, and still does. While the salutary effect of solitary confinement was initially held as a positive objective, over time that isolation has become simply a security measure, without any rehabilitative substance.

Prof. Dupont has gone out of his way to describe that security-based perspective. Of prime importance in these descriptions of internal and external security<sup>1</sup> is the concept of **dynamic security** (Art. 105 par. 1 of the Basic Act), whereby the ‘dynamic interaction between the prison staff and the prisoners, on one hand, and a balanced relationship between the technical security measures and a constructive prison regime, on the other’, are seen as essential. Well, the architectural structure is constantly being utilized as one big technical security measure and has thus emphasized, ever since its emergence, static security. It is no wonder that not one detention plan has been implemented in our country that could be seen as the beginning of a more constructive prison regime. Our build-

ings tell us that technical security prevails. The Basic Act itself has not been able to change that premise. Reading between the lines, we can see that a form of preliminary ‘order’ is considered necessary for a dignified social climate. In the same way, the starting point for new prisons is always the provision of secure accommodation rather than the substance of imprisonment. In the same way, the law governing sentence execution first requires prisoners to be held in conditions of strict security before affording them the possibility to access support and assistance from the authorities.

Our prison infrastructure inspires us every day to put the cart before the horse, because it shows us that the prisoner is dangerous and must be isolated from the rest of society. It prevents us from learning that order and security are a result of normal human encounters and relations. We fail to reach the prisoners, because we perceive them as a dangerous homogenous group.

Even in an environment without bars such as the Nieuwe Wandeling prison, where physical encounters between staff and prisoners cannot be avoided, the fact that guards still wear uniforms is hardly conducive to constructive relations. Such a bar-free Ducpétiaux-type prison is still considered ‘safe’ thanks to the message that having guards in uniforms gives (in contrast to a prison such as St Gilles, where you move from one misunderstanding to the other and thus from one incident to the other): it is, however, far from constituting a meaningful form of detention. A sustained effort and the impetus provided by a ‘strategic plan’ were needed in Ghent before a broad range of activities could be developed. However, aside from the fact that these activities are not closely enough related to the formal rehabilitation requirements for prisoners, every security incident can also give rise to requests

for the activities to be stopped.

My work in Oudenaarde, a small prison for convicted prisoners, came as a relief. With small sections where 20 long-term prisoners are housed, it is possible to work in depth with the inmates. The prisoners themselves find this sort of regime more agreeable and their isolation is less tangible.

Despite all this, prisoners' stories in Oudenaarde are not so different from those of their counterparts elsewhere. There too life in the sections is not characterised by organized care. Inside a prison, it is difficult to organise the provisions which are taken for granted in the free world even after the (so-called) implementation of the Strategic Plan.

The division of the competences between the judicial system and the communities has resulted in a polarization of security and assistance. Unintentionally, it thereby justifies surveillance. It confirms the primacy of order and security and as such follows the silent but highly intrusive message that the prison buildings emit. The lack of coherence between social assistance, the policy concerning the release of prisoners and the policy concerning prisoner transfer and the transfer policy confirms this once again.

A new and innovative architectural structure aiming to avoid these mistakes must begin by focusing on society and on the requisite care and assistance. This in turn means moving away from the traditional concept of cellular imprisonment because the physical separation of prisoners from society occupies too central a place in this way of doing things.

From an organizational point of view, this conclusion means that the current differentiation on competencies between the judicial system and the communities must also be scrapped.

## **Harmonization within the process of sentence execution**

It is important that prisoners can follow an individual prison plan across one and possibly more Detention houses. This plan must be evaluated and adjusted following the advice of the counselors, but it is equally important that the prisoner experiences a coherent approach and that the plan is not contradicted by decisions that have nothing to do with its' content or implementation. It is also essential that the social assistance services help the prisoner to carry out this plan.

The sentence execution court is perfectly placed to assess whether this detention plan is feasible and to have it implemented upon the advice of the director of the detention area. At this moment, the first components of a rehabilitation plan are also set out. The sentence execution court will define the periods at which an evaluation of both plans, which jointly form the Solution Plan, must be put forward.

Rehabilitation activities must begin on the first day of sentence execution. Normally the prisoner will progress from a high-security to a low-security detention house, but other paths are conceivable and there are also always ways back.

There must no longer be a rift between the counselling inside the prison and the counselling outside. The Individual Plan Counsellor must remain in touch with all the organisations and individuals involved with the execution of the Solution Plan.

## **The legal position**

I have not forgotten the critique captured by the slogan 'Help, I'm being helped'. Allowing sentences get longer unnecessarily in meaningless institutions, because of resistance to compulsory

assistance, as is currently the case, is equally unacceptable.

If the offer of assistance assumes a more compulsory character within the context of a Solution Plan, guarantees must be developed to guard against the paternalism of overzealous mentors and counsellors of all sorts.

The sentence execution court may see this as an opportunity to become even more closely involved as a 'referee', arbitrating between the interests of the offender, the victim and society. The court must become even more accessible for offenders who want to make adaptations to their plan. The court must have the power to release an offender from his obligations to follow counselling that is considered disproportionate or unfeasible. An offender must not be seen only as someone with a particular problem or purely on the basis of the criminal offences which he has committed. The court must also have the legal competency to compel society to provide the appropriate support and assistance to offenders.

I also believe that such a reform of sentence execution must be combined with greater certainty surrounding the date of the release.

## Notes

1

Internal security: a situation where the physical integrity of people is safeguarded in the prison and in which movable and immovable goods and objects are protected from unlawful damage, destruction or theft (art. 2 par. 9 of the Basic Act).

External security: a situation in which society is protected by means of the guaranteed detention of prisoners and by the prevention of crimes that could be committed from the prison (Art. 2, par. 10 of the Basic Act).

Order: a situation in which the behavioural rules are upheld that are necessary to bring about or maintain a dignified social climate in the prison.







# Penological perspective on the Houses



KRISTEL BEYENS

## **The world is changing, and punishment should change as well**

Industrial society, which gave birth to prisons as we know them, is no longer with us. Large industries are gradually disappearing. In our day and age, small, versatile and innovative companies, using almost unlimited global means of communication, have supplanted them.

Social problems (poverty, sickness, mental illness, youth care, addiction) used to be dealt with in an institutional manner in the modern, industrial era. Currently though, they are not treated in a uniform way, but rather by using many diverse strategies. The institutions that deal with these problems are far more intertwined with society and prefer to develop tailor-made solutions. Even education is gradually moving beyond the boundaries of traditional schools by offering alternative paths of learning that are suited to new needs. This new emerging society holds individuals responsible for their choices. Everyone should be able to define his or her own course.

It is only logical that penal practice and detention adapt to these changing times and try to fit

in with this late-modern society. The new world has different expectations of people. If and when someone disrupts the social standards and is consequently apprehended, then their punishment should be in line with today's expectations.

In a society where everyone is deemed to be responsible for their own development and is supposed to continually make choices, the nature of punishment should reflect its expectations. If not, punishment will be counterproductive. This is currently the case with prison sentences that impose obedience, discipline and uniformity in a world that expects diversified activation and personal initiative.

Those who are locked away in such a prison will find themselves in a situation of constant perplexity. The means that the prison system has available, and the conditions that people are detained in, do not comply with the standards of current society. This is harmful not only for the prisoner, but ultimately also for society, as it will eventually result in more crime. Moreover, today's system of detention is counterproductive for the redress of any victims.

## **Today's and yesterday's prisons are unsuitable**

Pioneers of research into the penal system describe prisons as totalitarian institutions, where prisoners undergo mortification processes as a consequence of their detention (Goffman, 1961). Detention and isolation from the outside world lead to deterioration of the social roles that people occupy in society as soon as they enter prison and become 'inmates'. Sykes (1958) defines the now infamous 'five pains of imprisonment'. During their stay in prison, prisoners first and foremost lose their freedom, but much more than that. They are cut off from all access to goods and services, from heterosexual relationships and lose their personal autonomy and security.

Detention regimes today, however, have changed since the time of these studies and the implementation of prison sentences no longer takes place exclusively in closed institutions. We have come to realise that life in totalitarian institutions clashes with humanitarian considerations. Furthermore, depriving people from contact with the outside world has very adverse effects on the process of reintegration. Hence a number of initiatives have been taken in order to 'normalise' life in prison and to alleviate the aforementioned 'pains'.

However, most of the Belgian prisons in use today still date from the 19th century. Their design is based on the penitentiary vision and objectives of imprisonment of that period: deprivation of liberty should lead to moral repentance by means of religious contemplation. This should take place in isolation from the outside world and from other inmates. The panopti-

con- prisons of that time are examples of an 'architecture parlante' that conveys a message of deterrence to the outside world as well as to the inmates by the use of high walls, watchtowers, stepped gables and barbed wire, immense gates and heavy doors. Religious practice and moral improvement are symbolised by gothic, almost monastery like interior architecture. The cellular structure expressed the importance of religious devotion and individual contemplation in isolation, as cornerstones of Ducpétiaux's prison regime. The only spaces that were meant to be used for communal activities were the chapel and to some extent the workshops, where work took place in silence. In fact, most work was done inside the cells. Movements within the prison were restricted to an absolute minimum. Contacts with the outside world and among inmates were also limited to the bare minimum in order to prevent 'criminal contagion'. The thick walls would symbolize the exclusion from society. Prison was seen as a fortress to protect society from its wrongdoers.

This penitentiary vision has long since become obsolete, but we are still left with its architectural translation.

Another important feature of the star-shaped prisons is that they are inspired by Bentham's Panopticon concept, which was once seen as the ideal shape for surveillance and total control of the prisoners ('to see without being seen'). It embodies disciplining by means of absolute and maximised control by minimal staff occupancy. Thus the model shows a strong economical and managerial component.

## **Design and vision**

Spatial design either limits or facilitates the development of social interaction. Hence, the architectural concept of a prison may or may not contribute to the development of a regime that enhances social interaction within the prison as well as between inmates and society.

Considering what prisons should be and what they should look like should never be done without a wider vision of the ultimate objective of punishment and of living together inside prison. This also involves our perception of the prisoner as a human being (fellow citizen or enemy?), a vision of how to perform the tasks of the (penitentiary) staff and the role of ‘outside’ inside the prison. Finally, it should question the existing tension between normalisation and reintegration on the one hand and exclusion, deterrence, retribution, control and neutralisation on the other.

### **A Master plan for new prisons**

With the execution of the “Master plan 2008-2012-2016 for prison accommodation in humane conditions”, a major new reconstruction plan has been initiated in order to extend and replace current prison capacity.

Building new prisons may create the opportunity to implement current up-to-date penal insights and visions and put them into practice. Given the fact that prisons typically stay in use for about 150 years, the Belgian government was and is faced with a huge challenge. Right from the outset, important choices have been made. For the first four prisons being built, the traditional panopticon star-shaped model was chosen,

which shows little desire for renewal or evolution of new vision.

In designing the detention complex in Haren, which is supposed to replace the Brussels prisons, again some important strategies have again been laid down. There will be one large-scale prison compound to accommodate 1190 prisoners. 100 secured places for women, 60 open places for women, 600 closed places for men in remand, 250 places for convicted male prisoners, 150 places for patients compulsory detained by way of mental health legislation, and 30 closed places for juveniles. This choice in itself is an important factor. Even if separate sections are built, the fact remains that we will be dealing with a large infrastructure, which will inevitably display the characteristics of a large-scale operation. Thus, the choice has been made to build a ‘factory’ for detention and control, literally on the verge of society, right near the city limits, bordered by railway tracks and the Brussels circular motorway, and close to the national airport. Obviously, peace and quiet will be almost non-existent for inmates during their daily walk in open air. Other than that, one may expect mobility problems for staff and prisoner transport to the courts of justice. This is likely to be cause for concern in the future.

### **- Research into the needs of inmates, visitors and staff**

The King Boudewijn Foundation (KBF) commissioned a survey concerning the needs of users of today’s prisons (Beyens, Devresse & Gilbert, 2011), specifically targeted at the ‘Haren situation’.

If we take a look at the results of the focus

groups with ‘experts with practical experience’, we cannot fail to notice that many of the needs and requirements that they express perfectly fit with the existing national and foreign legislation, such as the European Prison Rules by the Council of Europe, the Basic Prison Act on the penitentiary system and the Acts on external judicial position of convicted prisoners.

Beyens et al. (2011) argue that the Prison Act should be considered as an important framework when building new prisons, since this law – despite not being fully implemented – is actually the most comprehensive reference text regarding Belgian penitentiary justice and thus represents the official vision on prison regime. The principle of ‘normalisation’ is a key issue in this Act, and this should be reflected accordingly in the infrastructure of a new prison. It implies that life in prison should – in a positive sense – correspond with life outside prison as much as possible. Normalisation can be defined in several ways (see Van Zyl Smit & Snacken, 2009: 103). Snacken (2002) makes a distinction between the individual and the collective level. As a consequence of mortification processes the individual level of normalisation implies that a number of social roles that the prisoner used to play (father-mother, son-daughter, partner, friend, employee, colleague, etc.) are severely restricted. The emphasis on order and security will ultimately result in the fact that the role of prisoner or delinquent takes over any other social roles. Normalisation really means that an effort has to be made to establish a regime that respects this diversity of roles as much as possible and upholds and stimulates them. The collective level of normalisation refers to the introduction of external help and services into the prison and the principle of equal value of those services, taking

into account the specific needs and vulnerability of the population (for example the need for work, training, physical and mental health, etc.). In contrast with the notion of ‘less eligibility’ the focus should be on what is supposed to be a ‘normal’ standard of life in our society. The punishment is restricted to the loss of liberty and the prisoner should not undergo any additional suffering during the course of the incarceration. Prisoners should be able to live a life as normal as is possible while in prison.

### **- Normalisation implies interaction with society**

From the principle of normalisation, one should look at a stay in prison from an ‘open’ perspective, where prison is no longer regarded as an institution that is totally isolated from the outside world. It should be regarded as a structure that is part of the world and that is in touch with everything that is happening outside. If and when the conditions of a ‘normalised’ prison regime are fulfilled, then a prison sentence may strive to achieve the two main objectives that are found and are clearly promoted in the Prison Act. The first objective is restoration. A stint of detention should really enable the convict to work on the restoration of the social ties that have often been disrupted by committing his crime.

The second main objective is all about re-integration. This can be achieved by means of the detention plan, such as found in title IV of the Prison Act. According to article 38§3 of this law, the individual plan contains a blueprint of the detention path and, where appropriate, of the activities that help in the process of restoration, particularly with regard to the damage that was inflicted to victims. It also contains proposals

of the activities that the prisoner can participate in, such as work, educational or training programmes, retraining or other activities that promote reintegration. One may also mention psycho-social, medical or psychological treatment programmes. All this makes it evident to what extent prison is supposed to be in touch with the outside world. A prisoner who is made to organise his life within the prison walls and whose detention is seen as a path towards reintegration should always be encouraged to reach out to the outside world in order to maintain social ties and to make plans for projects for after his sentence. Article 48 of the Law on the external judicial position of prisoners clearly states that the prisoner should work on a social reintegration plan that describes his path towards reintegration. The law does not say anything about what this plan should look like, however. One thing is clear though, and that is that prison should remain true to the objective of re-integration and receptive to its environment, allowing external parties to come and do their work inside its walls.

In view of these objectives and in order to accomplish a gradual transition from prison to society and in order to work towards normalisation of the prison regime, a number of new actors have entered prisons in recent years, looking for space inside the penitentiary institutions. Many suggestions by the participants at the focus groups have to do with these principles of normalisation and reintegration. It then comes down to developing a prison for individuals who – although inside the walls – are encouraged to be active, to participate in individual and collective projects, to work, to learn, to follow courses, in brief, to prepare for a life in freedom just like any social individual. Easy access to prisons, contact with the outside world, material circum-

stances of living, execution of sentences in a more communal regime or a regime for a limited community, providing space to organise training, work and leisure activities and a maximum guarantee of staff and inmates' safety therefore appear as the major points of attention in designing a contemporary prison.

### **- The demand for a small-scale approach**

Remarkably the participants in the focus groups all reject mass-surveillance prisons unanimously. Everybody seems to agree that the size of the prison seems to correspond with a certain atmosphere inside the prison. Large-scale prisons are often associated with a cold and harsh atmosphere. Creating smaller units, such as small pavilions, living quarters, houses or flats makes it possible to break through the massive aspect of the institution. Blocks where 200 prisoners live together are seen as too large. Ideally, one would wish to have no more than 15 prisoners per living unit. Nevertheless, it remains difficult to determine the ideal size of communal living quarters on which everyone agrees. This will always depend on the specific characteristics of the unit and of the regime that is in force.

This demand for smaller-scale approach is in line with findings of international research, which concludes that there is a correlation between the size of a prison and the quality of life inside that prison. Norwegian research by Johnsen and Granheim (2011, 2012), in which 32 closed detention centres were compared on the grounds of quality of life in those prisons, by means of a measuring tool called *Measuring the Quality of Prison Life* (Liebling, 2004), shows that smaller prisons (maximum 50 prisoners) prove to score significantly better on quality of life

than medium-sized (between 50 and 100 prisoners) or larger prisons (more than 100 prisoners). One explanation for improved satisfaction given by the authors was the location of these smaller prisons within city centres, as it facilitates contacts with families and friends, and inmates subsequently feel less isolated. The location of a prison and easy access for staff, visitors and prisoners is also mentioned by Beyens et al. 2011) as an important element to maintain contact with the outer world. Accessibility by public transport is crucial.

Beijersbergen, Dirkzwager, van der Laan & Nieuwbeerta (2012) claim that prisoners feel safer in prisons consisting of smaller units.

*- Constructive relationships with staff cannot be underestimated*

Another, possibly even more important explanation for the better performance of smaller prisons lies in the enhanced relationships between staff and prisoners. Staff in smaller prisons are awarded better scores when it comes to respect, care and social contacts. Decentralisation and fewer hierarchical structures facilitate contact with the prisoners. Research by Hammerlin & Mathiassen (2006, in Liebling, 2008) confirms that relationships between staff and prisoners in smaller prisons are indeed better. Equally, comparative research by Beijersbergen et al demonstrates that the interaction with personnel is experienced more positively by prisoners who reside in smaller units. Prison officers and inmates know one another better and know what to expect from each other. Consequently, prison officers are more alert to any changes in the prisoners' behaviour, which allows them to react more efficiently to their questions and needs.

Communication lines between staff, work floor and management are shorter, which makes for faster exchange of information and less frustration. (Hammerlin & Mathiassen, 2006). In other words, a smaller organisation is more flexible and more dynamic because there is less bureaucracy and there are closer relationships between all levels of the organisation. Prison officers in smaller prisons have more varied tasks than their colleagues in larger prisons, where jobs are more specialised. To put it briefly: small prisons generally have a better living climate than large ones and offer better moral performance.

**- Priority needs to be given to dynamic security**

Research by the KBF, supported by the opinion of prisoners, also finds that the principles of active, interactional or dynamic security offers more added value than passive security by means of technical devices, locks and bars. Positive contacts and constructive relationships between staff and inmates are crucial in achieving this dynamic security. Incidentally, this principle is conceptually enshrined in art. 51.2 of the *European prison rules* and in art. 105, par 1 of the Prison Act . Achieving dynamic security seems to be easier in smaller institutions or smaller units. An active regime, offering attractive stimulation to participate in activities is also an integral element of dynamic security (van Zyl Smit & Snacken, 2009). Dynamic security also seems to be a necessary condition in order to successfully achieve 'passive' security, as personified by steel bars, high walls, electronic devices etc.

In this respect the participants in the KBF report conclude that it is important for probation officers to mingle with prisoners during their shift



and to move among them rather than being secluded by architectural elements such as safety gates or fences. In other words, dynamic security should be enhanced by designing living units that encourage interaction and encounter, where staff and prisoners have the opportunity to build constructive relationships. At the same time it is clear that dynamic security cannot be improved solely by changing infrastructure. Training and the mentality of staff are crucial as well.

If the design of the infrastructure and control from a distance by means of electronic devices cause too much separation between prisoners and personnel and there is a lack of daily routine contacts between staff and inmates, this is likely to result in a risk of stereotyping (McConville, 2003). Belgian research into violence in prisons shows that the level of violence increases in sections of prisons where interaction between prisoners and staff are limited (Snacken, Mary, Beghin, Bellis, Janssen, Tubex & Bogaert, 2000; Snacken, 2005).

#### **- There is a real need to differentiate**

Another point that is strongly emphasised in the KBF research is the need to be able to differentiate on many different levels. For more open as well as closed prisons, participants of the focus groups are in favour of maximising the opportunities to differentiate. There also ought to be a constant flow from closed to more open regimes. They advocate the assignment of a 'security level' to each prisoner, for example in an orientation centre. During his detention, the prisoner might be able to evolve towards more freedom and autonomy, with the objective of promoting his reintegration.

Another point that is raised is that of 'halfway

houses', such as for example in Norway. These are small(er) (detention) houses in the city, consisting, for example, of different flats or living quarters. From there, prisoners may go to work, or follow training or therapy. This option is also more in line with the principle of regionalisation, which requires that prisoners stay as close as possible to their homes and to their families and friends.

NICC research on the classification of prisoners in Belgium today demonstrates that, due to overcrowding, a '*space available model*' is mainly applied. This means that prisoners are not primarily assigned to a certain prison on the basis of their needs and on their personal detention plan, but rather on the basis of some basic criteria like security considerations and the availability of places. Devresse (2009) states that prisoners are often 'over classified' because of security reasons, which leads to them being detained in institutions that are too strict in the matter of security. A flawed classification system hampers the progress of the prisoner through the system and in the end leads to even more overcrowding. A plea is made to give more consideration to the inmates' needs, the availability of activities and the requirements of the detention plan etc. when designing and locating prisons.

The fact remains that it is difficult to estimate in advance how many prisoners will effectively be placed in a certain regime. It is also pointed out that applying too rigid a differentiation may inhibit the dynamics of a detention trajectory.

#### **- Contacts with family are crucial for reintegration**

A sound strategy of creating opportunities for family contacts is of the utmost importance for

the reintegration of the prisoner. Other than the traditional visiting hours there is a strong demand to allow longer periods of visiting, where contacts could take place in normalised conditions, (Beyens et al, 2011). One might for instance create the opportunity for family members to spend a day or a weekend with the prisoner in order to cook together, have a meal, follow courses, etc, as already exists in Norway for example. These opportunities are especially important for people with (very) long sentences or prisoners from another country who are unable to receive many visits. Of course, all these opportunities need to be translated into architectural infrastructure.

#### **- IT and electronics may be able to improve the autonomy of prisoners**

IT and electronics have become an indispensable part of our way of life, and this goes for the penitentiary system as well. Today electronics are mainly used to provide (extra) surveillance, often with the intention of economising on staff or to improve security. The use of electronics is not always an entirely positive or unambiguous story when it comes to saving costs. An assessment from a Dutch prison (Kenis et al., 2010) where sustained technological support and surveillance were introduced, demonstrates that no expenses were saved at all, on the contrary. The use of technology in the day-to-day operation of the prison caused a lot of (technical) problems and additional frustration.

Electronic devices may well be used for added security, like for instance in the use of an anklet. Those devices may allow the prisoner to move about inside the prison more autonomously, without having to engage extra staff. The use of

electronic monitoring may thus be seen from the perspective of ‘breaking down’ walls inside the prison rather than building a new prison within the existing one. To increase the autonomy of the prisoner, alternatives could be developed for opening and closing (cell) doors. If prisoners had a key/smart card for their own cells, modern technology could confirm whether or not their cell door was open. In case of an emergency (fire) it would allow prisoners to leave their cells. This would increase their sense of autonomy and at the same time require fewer staff to perform basic duties. At the same time, it should be said that replacement of personal surveillance and interaction should not entirely or even largely be left to electronic surveillance. This would have disastrous consequences for the atmosphere inside the prison and for dynamic security, which is indispensable for a safe and humane prison, as we well know.

The KBF study also points at the importance of the availability of internet in many places in prison, including in cells. There are enough tools available to prohibit access to certain websites, if needed. Limited access also allows for long-distance communication with families and can facilitate the search for jobs, etc. Skype could offer an alternative for the often expensive telephone calls by foreign prisoners and it would also offer the opportunity for prisoners to speak in the privacy from their cells, rather than having long conversations in prison corridors.

Hence it is essential to provide maximum opportunities, even if one has the impression that the public opinion is not ‘ready’ yet for the use of IT and electronics (cf. the long durations that prisons remain in use).

## **- The moral performance of prisons**

Today's prison concept as written down in the Prison Act states that an inmate is seen as an individual who remains in touch with the outside world and who is expected to keep in contact with his surroundings inside and outside prison. The bottom line is that prisons should be organised so that individuals who stay inside the walls are encouraged to be active, to participate in individual and collective activities, to work, to learn, to follow training, in short, prepare for life in freedom like any social individual. This means that the authorities bear a responsibility to provide the means, during detention as well as in free society. The concept of rehabilitation implies that efforts are not solely the prisoners' responsibility, but also that society has a responsibility to accept the individual after his prison sentence and to offer the necessary chances for reintegration.

Liebling (2004) is right when she says that prisons should first and foremost be assessed on moral performance. Respect, personal development, good relationships with staff, humanity, trust, support, fair treatment, attention to order and security of prisoners and staff, psychological well-being, contacts with relatives, decent treatment and the handling of authority are all important dimensions in this context. *'Prisons should perform well because it is important to treat human beings well'* (Liebling, 2004 : 473)

Norwegian research proves that small-scale prisons perform better in these dimensions. There is a growing tendency today to measure the performance of a prison in terms of avoidance of recidivism. Although adequate recidivism data are lacking in Belgium, and although research into

recidivism is plagued by a number of pitfalls, international research demonstrates that recidivism following a prison sentence is very high (more than 50%), depending on the nature of the offense. The causes for reoffending are numerous, and it is a phenomenon that is influenced by several social and personal factors, mostly out of reach of the penitentiary system. What we do know is that prison sentences such as they are today lead to a great deal of damage, caused by loss of autonomy, of responsibility, of family and social ties, of housing and jobs. The psychological effect, financial problems, the social stigma all have consequences that last long after release and are also influenced by individual and socio-economic circumstances (Snacken 2009, 2010)

## **- From prisons to houses: what's in a name?**

All these aforementioned findings and principles, of which the more important ones are laid down in the Prison Act, point in the same direction, i.e. normalisation, small-scale operation, differentiation, openness to the outside world, proximity and improved autonomy of the prisoner. They are in line with the basic underlying principles of the global integrated picture that is sketched in the concept of 'The Houses'. Based on the above principles we may expect that the execution of this 'form of detention' will have a positive impact on how one's detention is perceived, both by prisoners and staff. Detainees will be isolated from society less comprehensively and less brutally, which will facilitate their return to society as well-prepared citizens.

All this goes to show that what at first glance seems like a revolution in the penitentiary landscape or even a utopian project, as Fouriers put it (see article by Ronny De Meyer in this book),

is really a concept that is well rooted in contemporary thinking and finds a firm footing with (experienced) experts.

Nevertheless, using the term ‘Houses’ instead of prisons requires quite a serious shift, not just in practice, but perhaps more so in the mind. The concept of the ‘Houses’ really symbolises a radical rupture from institutional mass-surveillance practices that dominate contemporary political and social discourse. New, modern prisons that receive a lot of attention and admiration today from politicians, prison builders and criminologists are for instance the Leoben prison in Austria and the Halden prison in Norway. They have invested in light, colour, art and in the latest technological gimmicks. On the internet beautiful shiny pictures can be seen and visitors are queuing in order to visit these ‘prisons of the future’. One positive aspect from Leoben prison is, for instance, that they have opted for small-scale living units, large windows without bars, agreeable living and working spaces. On the other hand, it is still a large prison compound. Therefore this new generation of prisons still fits in with the development favoured by the prison industry. They still adhere to carceral spaces where a ‘model worker’ is being produced (Hancock & Jewkes, 2012: 622). We should however not be blind for the new and specific problems that come with these modern and clean prisons. For instance these new prisons do little to remove external stress factors for the prisoners. Co-habiting in living units may also require new social mechanisms and pose new challenges (lack of privacy, camaraderie and prisoners’ subcultures, but also adverse social behaviour). So let us be wary of saying that ‘new’ is ‘better’ just by definition. Research by Friedrich (2008) shows that in the much-vaunted prison of Leo-

ben, prisoners and staff are happy with material circumstances. The atmosphere is generally rated more positively than that of the prison where they had been staying previously. There is also a degree of group counselling. The same research also shows that prison officers are inadequately prepared to function in living units and lack skills as ‘coaches’. There are cameras absolutely everywhere and problems occur due to lack of staff, which inhibits dynamic security. New prison infrastructure does not solve all problems and often boils down to ‘patching up’ deficiencies. This will certainly be the case if new prisons are not imbedded in a wider detention project that invests on several levels.

‘The houses’ intend to offer an alternative as a complete project. Several aspects will require further thought or may still be unclear at this time. Taking into account what (future) prison populations may look like in terms of legal status, gender, type of crime, socio-economic situation or ethnicity, the question arises as to how to deal with this differentiated composition, and whether separate Houses will need to be created on the basis of certain characteristics (i.e. sexual delinquency, drug addiction, recidivism, terrorism, ethnicity,...), each with their specific regime, or whether these prisoners should mingle with the overall population. The principle of normalisation and the ‘Solution plan’ may well indicate the direction to follow in this regard.

One should be aware of the danger of ‘*cream-ing off*’, which would mean that unproblematic inmates are referred to The Houses, whereas prisoners that might pose risks would be left behind in prison institutions. This should be avoided. It does not seem appropriate to establish a dual track policy.

The Houses should be able to incorporate all lev-

els of security, so in principle all types of prisoners should find their place therein. This matter raises the question to what extent The Houses will be incorporated within the existing policy, or whether they will be regarded as an alternative for today's prisons.

#### **- And finally a penitentiary peculiarity**

In order to support The Houses project some students from VUB (Weltjens, 2011-2012), UCL (Devresse, 2011-2012) and UGent (De Roeck, 2011-2012) did an international literature review in search of interesting examples, practices and evaluations of small-scale detention. In their search for '*good practices*' they were generally quite disappointed. They found some interesting examples in psychiatry and therapeutic communities (De Roeck, 2011-2012), but those projects remain fairly exceptional. If examples of small-scale detention were found at all, it would have been in the form of open institutions, such as the

well-known prison island of Bastøy in Norway, or some halfway houses or institutions for juveniles. The size of what may be described as 'small-scale' in literature also varies enormously, ranging from less than 50 people to almost two hundred. Another fact that was noticed was that examples of small-scale institutions are more often than not from the past, while the current tendency is mainly towards scaling up.

Even though Scandinavian countries have gained a reputation for small-scale detention, the amount of research on them is disappointingly small, with the exception of the recent study by Johnsen and Granheim (2012). Penological researchers are apparently fascinated by the large maximum security prisons and have almost exclusively focused their criticism on charting detention damage inflicted by those prisons. Let us hope that the concept of The Houses will raise the interest of researchers more in another direction.

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## HOPE IS A VERB



**JOS VAN DER VELPEN**

Trains function more or less punctually in Belgium. The mail is delivered every day and the refuse lorry collects our garbage every week. Could all this be the underlying reason why citizens and media are so disenchanted with our failing prison system?

In any case, our prisons have been quite prominently in the news recently, and always in a negative way. In the first ten months of 2012 alone, there were ten suicides in our prisons. The European Human Rights Court recently condemned Belgium on account of 'the inhumane treatment' of a prisoner who took his own life in his cell. More often than not, the Justice Minister is under fire as a result of another spectacular escape from prison. All these 'incidents' are in line with a persistent flow of news items reporting on the dire conditions in Belgian prisons that we have been hearing for years. Overcrowding is a structural problem that has reached unprecedented heights. Prisoners often have to share their cells with two or even three inmates. On a regular basis conflicts occur among prisoners or between prisoners and prison officers. New arrivals enter a world of violence, humiliation and despair. Generally, it can be said that a person rarely benefits from a prison sentence: this is confirmed by the statistics on recidivism. In international reports, Belgium has often been reprimanded for the derelict state of its prisons, for the antiquated infrastructure and for the overcrowding in these institutions. Time and time again the government promises to take measures. In doing so, it mainly focuses on building new prisons and on extending prison capacity.

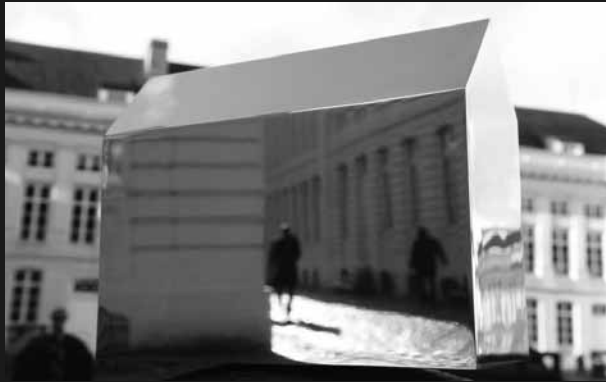
It is a dangerous illusion to think that modern prisons will automatically be more 'humane' than older ones. Old prisons with long traditions



and rock-hard habits often seem to be fortresses of resistance where it is difficult to adapt to principles such as working on the judicial position of the prisoner, limiting detention damage or preparing for social reintegration. Looming on the horizon we see penitentiary institutions where prisoners all wear an anklet (wrist band) that programmes and registers all the activities that they have chosen for the day. The urgent question is whether we really need highly protected prisons with all the high-tech gadgets like remote operated gates, all-encompassing camera surveillance and 'airing grounds' with overhanging steel cables.

We have never given up on the belief that matters can be different and that there ought to be a chance to break away from the vicious circle of ever longer detention, more cells, more recidivism. The project 'The Houses' arrived in this sense at just the right time. For quite some time

now, different scientists have designed, calculated and investigated this concept. From day one the League has also invested in this innovative project. The approach is personal and individualised and in line with the Scandinavian model and the Belgian Basic Act that outlines an individualised detention trajectory that should lead to successful reintegration. Instead of investing in electronic monitoring and body searching, in double steel gates and cables extending across courtyards, we would prefer to invest in humane detention, training, work and prevention. The alternative project of 'The Houses' complies with 21st century quality standards. In 1860 Ducpétiaux implemented his reform principles in the Leuven model prison. The world came and watched. The project of 'The Houses' has an equally innovative character. Many experts endorse this project. This is the time. 'The Houses' give hope and they must be realised. Hope is more than just an outcry, it is a verb.



# Concept

PROJECT 'DIFFERENTIATED SENTENCE EXECUTION'

The concept of The Houses is a story of, by, for, with and about people – people who have to spend part of their life in prison, people who work in our sentence execution system, and people who take decisions about the course of the incarceration.

The common objective is the elaboration of a constructive path, so that mistakes can be corrected as far as possible and that prisoners can take on a responsible role in society after their incarceration. Prisoners, prison staff, decision-makers and society are all expected assume their share responsibility to this end.

The architectural plan for the Detention houses provides the tangible outline of this concept as well as its building blocks and signposts. Indeed, the space in which we move determines how we behave, feel and think.

The Solution plan was designed for the people who are being held in prison and is the answer to the question as to how prison, after the commission of an offence, can be mobilized as a means towards a constructive rehabilitation in society.

The staff plan deals with the people working in the Detention houses and is a logical consequence of the concept of the Solution plan.

### **1. The vision: from nuclear detention to a sustainable penitentiary approach**

The Belgian prison system must be reformed on the basis of three principles: downscaling, differentiation and proximity.

#### **- Downscaling**

The 30 to 40 large to very large prisons must be replaced by hundreds of small Detention houses. They should be organized on an area basis. All penitentiary programmes should be available within a single area (from closed to open, from basic programme to intensive internal counselling).

Each prisoner will be allocated an Individual Plan Counsellor who monitors his prison and rehabilitation plan throughout the different stages of detention.

This avoids the stigma of the stereotypical prison and makes it possible to respond in a more flexible and supple way to individual needs.

*Because: bad boys do better in small classes.*

### **- Differentiation**

The Detention houses will differ from one another in terms of security level, prison content and counselling.

Once the sentence has been pronounced, a Solution plan (incarceration and rehabilitation plan) must be drawn up. This plan will include – amongst other things - a pathway for the prisoner through various types of Detention houses. Work on the rehabilitation of the prisoner will begin immediately.

This stimulates the development and the responsibility of prisoners and society towards themselves, each other and the victims.

*The prison regime is more in tune with the life of the prisoner.*

### **- Proximity**

The Detention houses will also be well connected with the area in which they are located. On the basis of the principle of reparation, they will play an economic, social or cultural role in their environment. On the basis of the principle of normalisation, they will rely on assistance and aid services from the immediate environment to realise the individual plans of the prisoners housed there.

This stimulates the mutual involvement and responsibility of prisoners and society.

The previously outlined risk areas remain under the supervision of the Ministry for Justice.

*‘Community detention’, by which incarceration is interwoven in the social fabric of the community, ties in better with the objectives of imprisonment as set out in Basic Act concerning the rights of prisoners and custodial sentences. .*

## **2. The Detention houses**

The incarceration will take place in small, distinct Detention houses. To give an idea of the small scale we envisage, we estimate that each Detention house will accommodate approximately 10 inmates. The houses will be grouped by

area (e.g. Kortrijk, South-west Flanders, Ghent, Liège, etc.). Each area offers all forms of incarceration. Thus, a complete sentence can take place in the area where the prisoner will eventually be rehabilitated.

It is only in the context of the pilot project that prisoners can spend their incarceration in part in a Detention house, in part in a traditional prison. Post-penitentiary accommodation is not a part of this concept, but is society's responsibility.

Some Detention houses will be closed and high-security. Among the latter, we envisage one crisis Detention house per area, for incoming prisoners. There will also be a number of houses that provide a basic regime. They offer work opportunities, leisure and assistance, and prisoners can receive visitors. They can be used for custody and for prisoners who have not committed to an individual Solution plan. A number of other closed Detention houses provide for professional training within their walls or house prisoners who are going through a different programme than that foreseen in their individual Solution plan.

Some Detention houses are closed, but not high-security. They accommodate prisoners who, according to the provisions of their individual Solution plan, are being counselled outside the establishment. The complete basic regime is delivered inside in the Detention House.

Some Detention houses are open. They only provide housing, visits and leisure activities. Work, professional training or other programmes from the individual Solution plan take place outside the establishment.

The Detention houses will be integrated in the area in which they are located. Sometimes this will be in an urban location, sometimes semi-urban and sometimes in rural areas. They houses will always provide added value for the area (dog shelter, bike workshop, social restaurant, theatre, art studio, grocery, car park, green space, etc.).

Type of house	Number of prisoners
Crisis house	10
Custody house	10
Closed, high-security detention house, with a basic regime	10
Closed, high-security detention house, with professional training	10
Closed, high-security detention house, with a special programme	10
Closed detention house with a basic regime	10
Closed detention house with professional training	10
Closed detention house, with a special programme (2)	20
Open detention house (6)	60
<b>Total number of prisoners</b>	<b>150</b>

Prisoners can move through several Detention houses in the course of a single sentence, depending on what is determined in their individual Solution plan. The prisoner's underlying problems, but also legal, social and penitentiary criteria (flight-risk level) will be decisive for this sequence.

Incarceration is followed by rehabilitation, for instance by means of electronic monitoring. The individual plan counsellor who monitors the course of the incarceration will also monitor the individual rehabilitation plan, since these are two facets of one and the same Solution plan.

If we take Kortrijk as an example of an incarceration area, based on the current incarceration rate, some 150 prisoners would be housed in various types of Detention houses.

### **3. The Solution plan**

The objective of each solution plan is to develop a social network around the prisoner and to create a role for him in society. These two matters are the best buffers against recidivism.

The prisoner receives a rehabilitation plan and an incarceration plan that anticipates the former. Together they form the Solution plan. The custody phase can be used to prepare this plan.

This plan is drawn up by the prisoner and the plan counsellor and is approved by the sentence execution judge or court. It is then signed for implementation by the director of the incarceration area.

From the beginning of the incarceration, an incarceration plan is accompanied by a rehabilitation plan. The latter determines in advance when the prisoner can continue the plan under electronic monitoring or conditional release, in the event that he adheres to the conditions he has committed himself to in the plan.

The minimum legal requirements to benefit from electronic surveillance or release on parole must be respected in this. For prisoners with a Solution plan, temporary release permits and provisions for prison leave will be determined in this plan. If there are sufficient reasons to do so, these possibilities can be granted earlier than would normally be the case. For prisoners without a Solution plan, the minimum legal requirements for eligibility will apply.

The sentence execution court can make changes to the interpretation of the incarceration and rehabilitation plans (another type of house, another form of counselling or professional training), but not to the deadlines relating to the modalities of the sentence unless the prisoner fails to meet the conditions which he has committed himself to in the plan. It only does so after it has been expressed by the Individual plan counsellor (via his director) or the prisoner.

The incarceration plan determines the types of houses in which the incarceration will subsequently take place and this within a fixed schedule. The incarceration plan also determines the counselling sessions or professional training courses that must be followed during incarceration.

If no agreement on the rehabilitation plan can be reached with the prisoner, an incarceration plan is still possible thereby enabling the prisoner to spend his time in detention in a meaningful way.

If there is no incarceration plan, the prisoner will undergo his incarceration in a house where only provides a basic regime is provided. The sentence execution judge or court will determines whether this should be an open house or a closed one (with a high or ordinary levels of security).

#### 4. Staff

The composition of the staff who will be employed in the Detention houses is a logical consequence of the principles underpinning the Solution plan. Staff in the houses all work towards the ultimate objective: the organization of meaningful detention. The staff that employed in the houses must ensure that the Solution plan can be carried out.

That is why the following functions are provided for in the staff plan:

- the gatekeeper
- the house counsellor
- the Individual plan counsellor
- counsellors provided by the community
- the director of the detention area

**The gatekeeper function** is only foreseen in the secure and half-open Detention houses. The role of gatekeeper is carried out 365 days per year, day and night.

**The House counsellor** is provided for in all types of houses. He ensures order and that the conditions for living together are observed. He is attached to a single house.

**The Individual plan counsellor** is a function linked to one person. He accompanies the prisoner throughout his incarceration and rehabilitation. As a result he will work in various different detention houses. He is also tasked with contracting services in from society and for that purpose, he has a budget and/or legal possibilities at his disposal. He reports to the sentence execution court, but only regarding matters that are stipulated in the Solution plan.

**The Director of the detention area** is the hierarchical superior of the three above functions. He must also oversee the legally binding contracts with service providers from outside. He is responsible for meetings relating to the rehabilitation of prisoners in his detention area (with plan counsellors, house counsellors and the prisoner). The absence of any one of these parties in such a meeting must be justified in writing.

**The Counsellors provided on a contract basis by the community** (employment officers, teachers, psychosocial counsellors, etc.) work according to their own ethics and do not have to report to the sentence implementation judge/court. They must, however, consult with the individual plan counsellors, in conformity with the agreements made in the collaboration agreement.

The concept of The Houses was developed by a steering group, the various study groups of the project ‘differentiated sentence execution’ together with a group of prisoners that was invited to think about the concept.

### **The Project ‘Differentiated Sentence Execution’**

The project ‘Differentiated Sentence Execution’ ran from early 2011 to mid-2012 within the Flemish Human Rights League.

The people listed below have played an active role in terms of the content of the project. They took part in the steering group or in one or more study groups (infrastructure, staff and counselling, legal study group). Their proposals, suggestions, advice and critiques helped shaped the concept. Some people were involved because a concrete point needed to be discussed. Professors guided students who were researching a specific aspect of the project during their studies, such as the small-scale forms of incarceration abroad, the cost of incarceration, the feasibility of setting up a Detention house in an actual neighbourhood, etc. Politicians also discussed and reflected on the concept in a distinct political study group called ‘Strategy’.

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# Architecture and societal change



RONNY DE MEYER

*Remember that you are in uncharted territory*<sup>1</sup>

Quite often, as a sort of litany or mantra, at 'The Houses' a quote is used from 1943 by Winston Churchill: *'First we shape our buildings, then they shape us'* (or in an alternative version: *'We shape our dwellings, and afterwards our dwellings shape us'*). Within the foundation, it is a given fact that the architecture of the 19th century Belgian prison, as conceived by Ducpétiaux, is totally inadequate and even harmful in our alternative vision of detention as a small-scale, differentiated concept.

This vision touches upon an ancient point of dispute: the (dis)belief in whether or not society can be shaped by architecture.

## Architecture and society

Since the 18th century, the topic of the relationship between architecture and society has regularly and explicitly been raised in publications as well as in concrete achievements. Some examples are for instance the ideas of utopian socialist Charles Fourier (1772-1837), the projects by

architect Claude-Nicolas Ledoux (1736-1792) and by entrepreneur André Godin (1817-1888).

With Fourier, his utopian ideas led to a life-style in a closed cooperative community in a peripherally built environment that provided living as well as working quarters in what was called a *Phalanstère*. His ideas largely remained a visualisation of his utopia, but nonetheless they enjoyed some repute and popularity.

French architect Claude Nicolas Ledoux partially managed to build his utopia of an ideal city at Arc-et-Senans. In the so-called saline works of *'Saline de Chaux'* (1779), a factory compound consisting of eleven buildings was built in the shape of a crescent. Its diameter was 370 metres and it comprised dwellings and workshops with a communal kitchen. The whole concept was meant to create a closed, self-sufficient community. His ideal city is built around this saline factory, as a starting point from which labour is introduced as a positive force against crime.

There is no prison in his ideal city, but there is a *'temple d'amour'* with a rather suggestive floor plan. Despite his progressive utopian ideas, his city was designed from the confinement of a prison cell, where he was incarcerated after the

French revolution on account of his anti-revolutionary ideas. Some years previously (1786), he himself had been responsible for designing the prison at Aix-en-Provence. (It is hardly a coincidence that the buildings of the saline works, which have survived to this day, were used as prison camps for the gypsy population during the Second World War).

André Godin (1817-1888) was a militant adherer of Fourier's utopian ideas. He was also an industrialist and owner of an iron foundry, and he built the so-called '*Palais Social*' or '*Famillistère de Guise*' (1861) in northern France. Other than the workshops, it consists of houses, a communal bath house, children's nursery, school and swimming pool, but also ornamental gardens and a theatre. In 1858 a subsidiary of the '*Fonderie de Guise*' was built in Brussels, along the Willebroek canal. Both achievements were founded on a similar cooperative vision on labour. The typology of the living quarters of both compounds resembles the prison typology that was introduced in Belgium in the same era by Ed. Ducpétiaux. Individual and family living quarters are assembled around an enclosed interior area that draws daylight from a glass roof. All corridors and doors from the living units across the multiple floors lead to this area.

Typologically these living units differ from prisons only in the shape of the central area. In prisons its function is limited to a circulation area or hall, whereas in the '*Famillistère*', it is an area where communal activities take place. Yet there is a similarity in the use of daylight, circulation and visual (social or not) control from the centre towards the outer levels.

Early social housing and housing of prisoners seem to show certain parallels in architectural typologies in 19th century Belgium, and this extends to the ornamental facade of the buildings.

It is not surprising that the building of workmen's houses by the '*Bureau of Charity*' fell under the responsibility of the Justice Department in 19th century Belgium.

Thus, Ed. Ducpétiaux (1804-1868) was not only inspector general for prisons, but also for charitable institutions from 1830 to 1860. Historical research usually points out his sympathy for utopian socialism (by Saint-Simon among others). Despite not being an architect, but a man with a legal background, he still managed to have about thirty prisons built according to his principles on a cellular penal system. These principles were not visualised by means of utopian perspective drawings as with Fourier or Ledoux, but clearly described in a '*mémoire à l'appui du projet de loi sur les prisons, présenté à la Chambre des Représentants de Belgique, dans la séance du 8 décembre 1844 - avec un appendice et trois plans de prisons cellulaires*'.

At the back of his book the ground plans of prisons like Pentonville are shown as examples, including a detailed programme of those.

This 'explicative memo' was preceded by a comprehensive three-part publication from 1837: '*Des progrès et de l'état actuel de la réforme pénitentiaire et des institutions préventives aux États-Unis, en France, en Suisse, en Angleterre et en Belgique*'. This contains more than just statistical material on European and American prisons. This finally results in chapter XXVI '*Règles générales à observer dans l'arrangement et la construction des prisons - explications des plans*', are based on examples from England and complemented with drawings from American and British prisons. The publication contains proposals for small-scale prisons for four inmates as well as proposals for large-scale compounds of 200 to 500 cells. In his foreword, Ducpétiaux acknowledges the importance of

the publication of the report by Beaumont and Tocqueville on French prisons in 1832.

### Architecture or revolution

Utopian intentions on architecture and their translation into architecture are not confined to the 19th century. At the start of the 20th century, Le Corbusier (1887-1965) was among those who pleaded for a massive introduction of modern architecture in society. His combative catchphrase from 1922 "architecture ou révolution" (in *'L'Esprit Nouveau'* and *'Vers une architecture'*) emphasises his conviction that architecture needs to play a social role. At the time of major societal and political changes after the First World War, he considered architecture as a crucial remedial instrument against the flaws of contemporary society. Modern architecture should be able to soothe the civil unrest of revolution. In contrast to Ledoux, Le Corbusier did not become famous by designing a prison. The only place where he mentions a prison is in his book *'La maison des hommes'* (1942) where we can find a chapter entitled *'La cité-prison'*. The city that he designed in India, Chandigarh, does have a building for the High Court of Justice. In the film *'L'Architecture d'aujourd'hui'* (1929), one of the stills of a passage to the roof terrace of Villa Savoye is subtitled: *'Une maison ce n'est pas une prison: l'aspect change a chaque pas'*. (Beatriz Colomina). Almost a hundred years later, an MP for the PS party, Franco Seminara, concluded an interpellation of Justice Secretary Mr. De Clerck on prison capacity as follows: *'On ne révolutionne pas en révolutionnant, on révolutionne en solutionnant'*, comme le disait Le Corbusier".

Dutch architect Herman Hertzberger, who was mainly active in the time frame of the sixties and seventies summarised in an article in *Vrij Nederland*: "Shaping the social shape, that is my speciality" (*Vrij Nederland* 27-06-2012).

From the seventies onwards the topic of architecture and society got snowed under in a well-meaning movement of participation, but it was finally brought back to the forefront in 1972, when a graduation paper was presented in London's AA school by Dutch architect Rem Koolhaas. His proposal for the design of a London city borough shows explicit references to the no-man's land along the (then still present) Berlin wall. *'Exodus or the Voluntary Prisoners of architecture'*. Londoners were invited to move to this elongated enclave. For Koolhaas, this was a deliberate play on the double-natured character of architecture. He uses an example of non-architecture like the Berlin wall, a symbol of social and political repression (east versus west) to create a utopia where citizens can voluntarily withdraw, away from all the negative aspects of London as a city, and from those that want to remedy those aspects. The contrast of incarceration versus liberation is turned around and as such the convertibility and ambiguity of the relationship between architecture and society is emphasized.

It is no coincidence that the very same Koolhaas would submit a design for the renewal of the cupola prison in Arnhem. He decentralizes, literally draws a cross over the panopticon model. At the centre of the cupola building, where a watchtower is to be demolished, he introduces an empty space or crossroads between two circulation routes that extend right to the boundaries of the compound and that give access to facility features.

The designs of *Exodus* and of the Arnhem prison by Koolhaas, like that of a utopian concept by Fourier for his *Phalanstère*, have an enormously pictorial representation in common that substitutes the limitations of a cerebral concept by the almost photo-realistic conceptual plans. In these illustrations it is possible to read the multi-dimensional architectural organisation as well as the societal one.

Philosopher Sigrid Leyssen is one of the people who have done research into the impact of these spatial descriptions in utopian publications. She points out the importance of these representations as forms of mental pictures that are supposed to communicate a vision more strongly and to facilitate negotiations and encourage action.

### **Workgroup infrastructure**

It was no coincidence that in 2011, Hans Claus, prison director in Oudenaarde, knocked at the door of the architecture and urban planning department of the University in Ghent. He was looking for support to visualise or illustrate his alternative vision on detention (which is, despite his everyday experience, utopian in the context of current opinions on Belgian prisons) in pictures or models.

In one of the design studios, some twenty undergraduates from the civil engineering master department took up the challenge. In preparation for this exercise, an 'infrastructure workgroup' was formed within the Ghent Human Rights League (precursor to the current 'The Houses' and consisting of architects, criminologists, psychologists). Their task was to draw up a concept for a programme, activities and required spaces for a detention house where about ten prison-

ers could be accommodated. This description did not include a listing of available space, nor a description of implantation or location. In this sense, the design exercise by the students should be seen as a feasibility study. What surface is required, and what sort of interaction can be achieved in the available space?

A number of attempts were made to arrive at a description of the content of a small-scale detention house by way of brainstorm sessions. Other than that, the infrastructure workgroup gathered information by visiting a number of places and initiatives that show some similarity with the concept of a detention house: a safe house for women (care for the homeless) and a forensic treatment unit for juveniles.

The first location was a shelter for homeless people with or without children that offers temporary lodging and guidance to women of different nationalities and/or cultural backgrounds and acts as a care centre for women with relational, social, mental or financial problems or any combination thereof. The care centre is located in a former small-scale urban monastery or God house that dates from 1771. Its earliest origins go back to the 13th century when it was founded as a '*hospitalis*'.

Architecturally or typologically it boils down to about twenty rooms that are situated in an L-shape, covering two levels around an inner courtyard, secluded from the street by a corridor or circulation zone that connects the street with the outer gate and communal spaces such as the refectory and chapel. This care centre is already the second reconversion of this originally religious institution. It had previously been in use as a home for the elderly. The typology of the rooms, orientated towards a secluded inner court and accessible by a corridor, allows for multiple purposes and uses and could possibly

qualify as a detention house. From the street, the compound seems rather inconspicuous. A facade with windows that look out onto the circulation seamlessly fits in with the street or city landscape. In its use as a protected shelter, security is almost limited to control of the entry gate. Clients are mostly free in their movements.

The contrast with security in the forensic treatment unit for juveniles could hardly be any greater. The care module for eight (m/f) youngsters of between twelve and eighteen years old, who are subject to a judiciary regime, forms part of a large-scale Academic Psychiatric Centre. Treatment inside the unit consists of intensive support of the young people for a maximum of twelve months. Psycho-education should ultimately cure their dysfunctional behaviour and heal their impairments. Music therapy is one of the therapeutic methods that are practised. The spatial framework and the treatment framework are intrinsically linked together. The care module is physically isolated within the APC and has resulted in an L-shaped arrangement of the rooms and therapy spaces, and all these are connected by a corridor and situated around an inner court with high fencing. Electronic control of doors and camera monitoring reinforce the physical framework that ensures safety of the youngsters and personnel. The treatment on offer focuses on gradual growth towards freedom.

Although our visit to these two institutions was somewhat driven by coincidence, they both set the tone for the concept of small-scale approach and for the difference in security level that can be achieved, ranging from permanent control to total freedom of movement. Yet they were identical in architectural typology on two different locations.

Consequently, the infrastructure workgroup came to describe different types of small-scale

detention houses. Depending on the nature and the duration of detention this would result in a distinction between a penitentiary house, a half open detention house or a custody house with different needs in terms of programmes, surface or spatial lay-out. Nine out of ten student proposals had a penitentiary house as a subject, and one a custody house. The latter had been inspired by the location and the limited amount of available space. The infrastructure workgroup intervened throughout the term by regularly attending guidance sessions and evaluating the students' design process.

### **Architectural typology**

Ten proposals were situated in the 19th century urban suburbs of Ghent, in the area around Sint-Amandsberg. Departing from these rather arbitrary choices of location, the proposals vary in their architectural typology: from an autarkic unit surrounded by nature, to implantations in urban street blocks, to a detached house surrounded by streets. We have chosen to comment further on four of these proposals because of the relevance of their mutual differences in typology.

1. A custody house, detached and surrounded by streets.
2. A 19th century factory, converted to detention house.
3. A group of several detention houses within an urban block of streets.
4. A detention house in the shape of a strip right through an urban block.

In defining the assignment to the students, it was emphasised that the destination should go beyond that of detention houses to include more

generic and multi-purpose uses of the brief. The design should also answer the more neutral question as to how ten people could be accommodated for a length of time in a closed setting, consisting of private, communal and therapeutic spaces. The architectural design should not only be suitable for detention houses, but also for other kinds of small-scale care such as for elderly people, young people with mental impairment, etc.

### **1. A custody house, detached, small terrain surrounded by streets**

During the concept phase, the chosen terrain turned out to be too small to implant a detention house. There were also constraints in the height of building that would be acceptable from the point of view of integrating the new volume in its surroundings. Both these limitations led to the choice of a more limited programme of a custody house. In principle, the duration of a stay in a custody house would be short-term, hence the spatial requirements for training and therapy rooms are more limited.

By its detached nature, surrounded by streets, which allows for visual control from all angles, the building can be perceived as a location with a clear identity. One can interpret the building as a box on pillars. On the ground floor, between those pillars, there is transport room for delivering supplies, transport and parking space for users (residents, staff, visitors), an entrance reception and control room. Despite limited surface space, a café has been incorporated that allows visual contact with the neighbourhood. Double use should allow this space to serve as visitors' room or waiting room for the detention house, but also as a neighbourhood café.

Between the ground floor and the higher level

living units there is a floor that contains a staff room and a control room (search facility, scanner), a visitors' room and a fitness facility. The living quarters are situated on several levels on both opposite narrower sides of the floor. Those ten individual rooms all connect around a central interior and exterior circulation zone, without the need for corridors. Despite the limited surface (total of about 20 m<sup>2</sup>) every unit has its own bathroom, kitchenette, lounge and sleeping area.

### **2. Detention house in the interior of a 19th century factory**

In this proposal, a 19th century industrial factory is reconverted to a detention house. Beneath the typical saw tooth roof shape with north-orientated glazing, individual living units are placed as free-standing containers or bungalows. Each individual unit has its own sanitary space (toilet, washbasin, shower), a small kitchen corner and living and sleeping space (total ca. 30m<sup>2</sup>).

At first glance the individual living units may seem randomly placed. However, implantation is dictated by the structural support capacity of the former factory and by a series of ducts that serve all units. Furthermore, it makes best use of a number of openings that have been made in the roof. These openings provide exterior spaces or patio gardens among the individual living units.

Those units are not connected by corridors, but by the covered space of the former factory. This forms the circulation space between the individual units, and could possibly be heated or air conditioned. This space broadens the area of private accommodations, but can also be used for communal activities or act as a buffer, creating sufficient distance. The confined character of a corridor has given way to an amorphous, almost transparent space. From outside, the



building offers a closed view since the exterior of the old factory, a blind brick wall, has hardly been altered.

Sports and training rooms have been created where the factory site borders on a public green area. In contrast with the secluded nature of the factory, these spaces might be suitable for double use by people from the neighbourhood.

### **3. Three houses in a large urban block**

This proposal is situated within a rather large inner area or block of streets, surrounded by 19th century terraced houses that border on it with their (sometimes fully built-up) gardens. What used to be a central green, meadow or warehouses have all but disappeared and have been replaced by car parks or garages. This is a typical evolution for the area because these smaller properties are too narrow to accommodate a ground floor garage. Hence the pressure of the number of cars on the available parking spaces in the streets is quite high.

The size of the inner area offers an opportunity to build about three detention houses, housing ten people each, quite closely together. Despite the rather enclosed nature of the inner area, the proposal still provides chances of double use by the neighbours. An underground car park would serve as structural foundation for the detention houses. It would serve staff and visitors of the detention houses, but its size would also allow use by neighbours. Centrally located there is some park space with paved sports courts. Upon agreement with the management of the detention facility, these could be used by the neighbourhood on a time-sharing basis.

Constraints caused by the weight of the building on the underlying car park have led to a wood frame building in the shape of a random-

looking pile that mirrors the ramshackle out-buildings that grace the rear facades of the surrounding houses. The living units are not connected by straight corridors, but by several rooms that serve as leisure spaces, therapy rooms, workshops, lounges or dining areas. Some living quarters are split-level units.

A wide trench provides daylight in the car park, but at the same time heightens the surrounding man-height garden wall to at least five metres (above car park level), which conforms with conventional perimeter security standards for a detention facility. On the boundary between the car park and the trench, a fitness space is created that could also be shared between inmates and neighbours.

### **4. A strip across an urban block**

Despite the difference in scale, this proposal unconsciously seems to refer to Rem Koolhaas' Exodus design that we mentioned earlier in this article. Two parallel walls embrace a concept of a detention house that is squeezed between two streets, like a strip that cuts right across an urban block and ultimately connects with a dead-end street.

Here again, parking problems that plague the neighbourhood have been solved by means of an underground car park. Above it a cleanly organised ground level incorporates communal activities of the detention house like reception, communal kitchen, dining and lounge area, visitors' area, fitness and leisure area and the foyer of a cinema or theatre room that is currently present on the site. By cleverly managing entrance facilities the theatre/cinema and foyer could be used by neighbours as well as by prisoners. Above ground, on the first and second floors, there are three strips, each containing three or four indi-

vidual split-level accommodation units. These are all mutually connected by a circulation zone to the communal ground floor spaces as well as directly with the reception and the gatehouse. The theatre and cinema room however, has a reasonable degree of autonomy since it is accessible from the street and is separated from the detention house by means of an inner yard.

### **- Current care typology: imperceptibly small-scale**

Each of these students' proposals contains an added value component for double use to benefit the detention house as well as its immediate surroundings. This might be a dog kennel, a social restaurant, a bike repair shop, a theatre room with or without neighbourhood café, workshops, and indoor or outdoor sports facilities.

These design proposals are in line with Hans Claus's vision where detention is regarded as a forced manner of 'care'. They are also in line with a more recent tendency towards smaller-scale urban integration in the care sector as outlined in the vision of the *'Vlaams Bouwmeester'* (Flemish Government Architect). The Flemish Government Architect's staff have been preoccupied by needs of the care sector as a central issue. Upon his appointment as Flemish Government Architect, Peter Swinnen vowed to devote even more energy to this issue during his term in office. In an interview he stressed the need to realise clusters or mini societies in the urban fabric by intertwining schools, care facilities and homes. Special attention should be paid to 'the room', as it is the almost exclusive living space for many residents in care centres.

The Flemish Government Architect and the minister for Welfare launched an appeal together to submit pilot projects for new spatial concepts

among stakeholders in elderly and home-based care. This initiative seeks to find innovative care concepts and novel ways to shape them into architectural and spatial translations and integrate them within a complex spatial context. These pilot projects should be groundbreaking in the conceptualisation of future residential care models. In this argument the term 'imperceptible or invisible' inherent care is used. 'Care should be imperceptibly yet prominently present in all levels of society'.

One of the examples that are referred to is the Psychiatric Care Home Hotel Min (OPZC Rekem) in Antwerp designed by architects Mys, Bomans and RAUM. "Hotel Min today serves as a link, connecting a forensic care circuit that extends from prison and forensic hospital department to sheltered living and forensic home care."

Hotel Min accommodates 25 'guests or residents' for a stay of six to nine months in order to "resume living and working in controlled circumstances. The objective is to allow the patient to grow towards an autonomous way of life that is not perceived as dangerous or harmful by society." The location in the Antwerp borough of the Seefhoek and the cooperation with the neighbourhood centre 'De Wijk' are essential for reintegration. Using the term 'hotel' and the rather inconspicuous presence in the street view make this forensic care centre an example of the 'imperceptible visibility' that is aimed for.

A more recent example of this vision on care by the Flemish Government Architect is the Flemish Government Architect Prize that was awarded to Care Institution De Zande in Beernem (architect BURO II en ARCHI+I). This prize by the Flemish Government seeks to reward and encourage public or semi-public builders for outstanding management of government projects.

'De Zande' is a government institution for Spe-

cial Youth Care in a closed facility for delinquent girls. The vision of this institution is to prevent stigmatisation and to promote reintegration of its clients. This vision has been translated in the infrastructure. This also shows in the location, which connects with a residential area instead of opting for an isolated and enclosed location. Other than that, there is a sports centre and multi-purpose barn that are part of the compound, but which are also available for use by people from outside 'De Zande'. This helps to make security seem inconspicuous rather than repressive.

The choice for a small-scale approach to care is not really that new. In 1969 already there was an initiative in Leuven called Oikonde that cared for disabled people in community houses. In that same period there was a care farm for young people with addiction problems called 'Het Sas' in Betekom. Those initiatives leaned heavily on volunteers and finding a place in 'one house or another'. Nowadays the search for small-scale facilities has been institutionalised by the aforementioned Flemish government and the Flemish Government Architect and it is on the agenda and in the mindset of architects, leading to a new discourse. On the website of the Flemish Government Architect one can find an example of a project by architect bureau OSAR for a residential care centre in Genk. Despite being a facility for 120 residential units and ten short-stay units the cover note states: "The design concept starts from a new care concept that is not based on a strategy of improving well-known spatial typologies, but starts from a blank sheet. The new typology that we propose is characterised by a chain of small-scale spaces. The most obvious change is the absence of corridors that already serve as dwelling spaces in the more progressive traditional projects. The objective

is to realise a living environment that strikes a balance between offering ordinary, recognisable homeliness and the indispensable security and framework. Collective functions (day care, home care, cafeteria, neighbourhood shop) are spread among the clusters, forming a bridge with the neighbourhood. At the same time these functions serve as focal points for the residents."

Halfway through 2009 Flemish Government Architect Marcel Smets organised an afternoon seminar themed "Building care. Working towards integrated care centres in Flanders". Most of the examples that were scrutinised showed a clear concern to find alternatives for the typology of the home or institution. The way forward could be a typology of a residential concept that interacts with its neighbourhood, its surroundings, resulting in public buildings. Architecture should play an explicitly innovating role in the process.

Nowadays architectural typology seems to balance between the easily recognisable 'institution', situated in an isolated location, and invisible home care. The latter can possibly be supported by volunteers and informal carers.

### **- Current prison typology: visibly large-scale**

The argument remains as to whether the analogy between these two extreme visions on care can be immediately transferred to the difference between home detention or electronic supervision and the more recent isolated prisons like Bruges or Hasselt as two typological extremes, and in between the 19th century isolated urban prisons modelled by Ducpétiaux. An innovative vision on prison renewal was significant by its absence in the recent plans for new prisons in Belgium.

For the prisons in Beveren as well as Denendermonde, the typology chosen was more than

a century old. “The cellular part consists of 4 wings of cells around a central supervision nucleus or panopticon”. Since both projects are realised in the form of a DBFM formula and have been assigned to the same consortium, both designs are barely distinguishable. In Dendermonde the prison will have a capacity of 444 places, in Beveren 300. Terrains of at least 9 hectares were needed. In Beveren this was found in an area alongside the E17 motorway on the boundary between farmland and an industrial estate. In Dendermonde, it is situated close to a residential area on a piece of farmland bordered by railway tracks, city walls and the old Dender river bed. In both cases the Public Buildings Administration website mentions: “A humane prison. The Public Buildings Administration and the Federal Justice Department have drawn up a performance brief which the new prison should comply with. People and the environment are at the centre of the development and operation of the prison. The organisation of the prison regime should have a positive influence on the behaviour of prisoners, not only as a penitentiary institution, but also as a humane environment.”

Both projects are part of the so-called “Masterplan 2008-2012-2016”, by which the Federal Government intends to solve the problem of overcrowding in Belgian prisons. This plan consists of the construction of seven new prisons, replacement of six old institutions and partial renovation.

The new Forensic Psychiatric Centre in Ghent shares the same vision on architectural typology. It was situated by the Building Administration on a 4.9 hectare terrain known as Wondelmeersen in the Ghent port area, near Wiedauwkaai. It offers capacity for 270 of the 660 psychiatric

patients who are currently inappropriately locked up in prisons. Despite accommodating a different target group, there is little difference with the prison typology. “Around the centre there will be a double secured perimeter of a concrete wall and wire fencing. All pavilions are centrally connected.” Despite this, the contractor claims: “The architecture of the building (two levels for the residential pavilions, three levels for the main building) blends in harmoniously with the surroundings.”

In the Brussels suburb of Haren Buda a prison has been designed for 1190 inmates. When complete, it will comprise eight entities including three men’s prisons, one women’s prison and a juvenile institution on an 18 hectare plot of land. In its verbal communication, The Building Administration uses quite contradictory architectural typology terms like “Super prison and prison village”.

The position of Belgium in the 19th century in the matter of detention and its architecture could be considered as progressive for its time with an innovator like Ducpétiaux. The proposals of the 21st century master plan, however, cannot compete with recent international initiatives like the Oostvaarders Clinic in Almere or the detention centre in Leoben, Austria. The performance brief barely made room for any innovation, except perhaps for some considerations about sustainability.

## **- Test case**

By way of experiment, one location was chosen from the range of empty buildings in the Building Administration portfolio, in order to test its potential suitability as a small-scale detention

house. The empty buildings are part of a larger compound of state police station in the same block. The station is still in use by the police. The part that used to house the police officers is currently in disuse, except one single house. Despite being similar in appearance, the station and living quarters were designed as two separate parts. The residential part consists of three times two semi-detached twin level family homes and a three-level corner building that contains some studio flats. Although the buildings have been vacant for a while, the general standard of maintenance is good. This fact, and the relative newness, allow for immediate use.

All entrances to the houses and studios open on three adjoining streets. The living rooms of the six houses connect with a communal courtyard that is accessible from the street and has six garages. Under the housing complex, as well as under the barracks, there is a parking garage, but this is not directly linked to the houses or courtyard. These look out on a side facade of the police station that has some window openings.

The choice to implant a detention house at this location is not evident, and perhaps even ambivalent. The proximity of the police station might well offer a security dimension for the neighbours, but it might also lead to some form of stigmatisation.

Consultation with security experts soon revealed that transforming these buildings into a penitentiary facility would not be straightforward at all. Securing the perimeter would require serious changes and investments such as electronic protection on roofs, metal plating on all exterior walls and reinforced glass on all windows. On this basis, it was decided to evaluate the compound on its suitability as a half open or medium security detention house.

At first glance the site offers abundant usable

space. The living rooms and bedrooms available in four of the six houses could easily be transformed into close-coupled individual therapy or training spaces, and a communal lounge and dining spaces around the courtyard. However, the four houses don't have a direct connection, so all circulation would have to pass via the courtyard. The corner building with its individual studio flats on three levels could well be rearranged to house a visitors' room, a doctor's surgery, a fitness room, a staff room and the porter's lodge.

The two terraced houses on the corner make for surplus room for the detention house. One of these houses could be disconnected from the project and made available to the neighbourhood, for instance as a temporary shelter managed by an outside organisation. In that case, there would be no immediate link between the detention house and the neighbourhood.

In analogy with, for instance, a forensic treatment unit, one might suggest setting up a musical therapy centre that could be used by the detention house as well as by neighbours and by the nearby music academy. The choice to add several programmes could contribute to a proper identity for each detention house.

The first consultancy round made it clear that communicating the choice of this particular location as a detention house would not be evident for the neighbours. The 'Not in My Back Yard' reaction was to be foreseen and to be expected. Having carefully enquired with the local authorities, it turned out that transforming a public building such as a barracks into a detention house would not legally require a public survey. Good governance, however, would certainly dictate that such a survey should be carried out.

It cannot be denied that the post-modern appearance of this location does it no favours at all. Symmetry and references to neo-classical visual

language show many similarities with the 19th century castle typology of the Ducpétiaux model. Realising a detention centre in this building, and on that location, is hardly an example of an inconspicuous care centre. The symmetrical construction of the compound and the gated access to the courtyard evoke obvious associations with the image of a 'gated community' that wants to protect itself from what is perceived as an unsafe urban environment, albeit with a planned inverse destination.

This raises the question as to whether invisibility or inconspicuous blending in with the surroundings is in accordance with the societal choice that a neighbourhood or society should take responsibility for a destination such as this one, or whether it should be the responsibility of penitentiary officers in a distant, invisible fortress outside the city boundaries.

*Who, what, how, where, when and why?* <sup>2</sup>

## Notes

1, 2

Cornelis Bastiaan Vaandrager,  
beknopte opsporingsleer (Concise Investigation Study), in  
lsd|25, den haag (The Hague), 1967



## CURSORY NOTE



**JULIAAN VAN ACKER**

### **With the back against the wall from detention to despair**

I would like to clarify my vision on differentiated sentence execution by using an example from my practice. Mohammed is now 24 years old and has been in treatment in my project for a year and a half. Since the age of thirteen, he had been busy compiling the longest criminal record from all juveniles in his town. Armed robbery, violent assault, theft, fencing and dealing were all part of his repertoire. He has never known his father and his mother died only recently. The long stints that he spent in detention have only worsened his situation. School was a total failure, debts were accumulated and the rather impersonal way in which he was dealt with abolished all his faith in other people. At the time he enrolled, he had no motivation at all. This young man just hated the world. It took six months for us to gain his trust.

We have managed to avoid recidivism for a year and a half now, and yet we are desperate. Mohammed wanted to restart with a clean slate, he looked for and found work for the first time in his life, we found him a place to live, taught him to cook in order to live more frugally and we stayed in touch with him for at least five hours per week. So why are we desperate then? He has a debt of unpaid fines totalling 11,000 Euros. Mohammed proudly announced that he had found work, but as soon as his first salary was paid, it was impounded. Debt management was organised. Mohammed now has 50 Euros to live on per week. As he earns a modest amount, his instalments are insufficient. One and a half year later, his debt has risen to 13,000 Euros because of the high interest rates, and this has happened despite the fact that he has been reimbursing for



a year! Furthermore it has proved difficult to find work with job agencies without a certificate of good conduct. Finally, his reintegration is in jeopardy because the only friends he has are criminals that he has met in prison.

Young men like Mohammed, who at one point decide to walk the line, can only be helped by offering intensified, prolonged and practical support. If this boy had been allowed to serve his sentence in a local, small-scale detention house, the desperate outlook he faces today could have been avoided.



# Solution plan



**MARJAN GRYSON**

## **Background**

Somebody commits an offense. There are several ways to react to this. One could look for the underlying causes and try to understand. One could react from one's emotions that were triggered by this fact (fear, anger, revenge, guilt ...). One could deny the situation. Or one could search for possible ways to deal with the problem, and that is the idea behind the Solution Plan.

This sounds obvious, but the current reality is painfully different. A criminal offense is more often than not the consequence of a problem situation, but also the trigger for a multi-problem situation that results in a vicious circle of crime, judicial problems, poverty, social and relationship difficulties, exclusion, ... The current societal answer to crime provokes exactly the opposite of what it aims to do by creating ever more societal problems, stimulating more criminality, causing more offenders and victims, afflicting more damage, ... Ex-convicts are left with no margin for new errors, they have to prove that they can function perfectly, despite having had fewer chances from the start, and having those chances further jeopardised by detention.

Many books have been written about crime and its causes. Forensic experts have done

research in droves to investigate the genesis of crime and the relationship between personality structure and misdemeanour. Plenty of studies demonstrate that detention in its present form is mainly pathogenic for all involved. For years now research has indicated what the risk factors are, and how they tend to accumulate. Literature about solutions, however, is quite scarce.

All the thought processes, research and support rarely consult the people who are most closely involved, and ask them for their opinions, what problems or solutions they see. The Solution Plan proposes that first and foremost the prisoner should play an active role in shaping his detention and reintegration trajectory. In this process, his responsibility is equivalent and equally important as that of his counsellors.

The Solution Plan makes sure that the Basic Act on the penal system and the judicial position of the prisoner, which to this day has only partly been implemented, can be fully put into practice. The following articles from the Basic Act served to inspire the concept of the Solution Plan:

- The custodial sentence or measure should be executed in psycho-social, physical and material circumstances that respect the dignity of the individual, that maintain or increase

the self-respect of the prisoner and that appeal to his individual and social responsibility. (Art. 5, § 1)

- The prisoner will not be subject to any limitations of political, civil, social, economic or cultural rights, other than those which are a direct and unavoidable consequence of his custodial sentence or measure and which are determined by law. (Art. 6, § 1)
- The execution of the custodial sentence should be carried out in a manner which minimises the negative impact of imprisonment on the prisoner. (Art. 6, § 2)
- The punishment component of the custodial sentence should only consist of complete or partial deprivation of liberty and the inextricable limitations which arise from this. (Art. 9, § 1)
- The enforcement of the custodial sentence should aim to restore the injustice done to victims as a result of the misdemeanour. It should also focus on the rehabilitation of the offender and on tailor-made preparations for his reintegration into free society. (Art. 9, § 2)
- The prisoner should be given the chance to contribute to an individual detention plan, which is drawn up with a view to minimise the negative consequences of imprisonment, reparation, reintegration and a safe execution of the custodial sentence. (Art. 9, § 3)

In analogy with the societal quest for solutions for other manifestations of personal, relationship, contextual and/or societal problems, such as depression, suicide, school truancy..., the Solution Plan offers a constructive answer to crime.

A solution-oriented approach to criminality focuses on safety, change, future, choices, individual differences, social context, solutions,

clear targets and expectations, mutual respect and responsibility.

The Solution Plan is a concrete translation of the basic principles (small-scale approach, differentiation and proximity) underpinning the concept of The Houses. The plan strongly focuses on the social network and the societal role or function of the prisoner, because these aspects are crucial in avoiding relapse.

The following comments were given by prisoners who had been confronted with the concept of The Houses.

- *“In a large system you are no longer a person, but you lose all individuality and also all humanity.”*
- *“A prison such as it is now is a jungle. The transition towards normal family life and society is much too great.”*
- *“If we were allowed to live at The Houses, we would be more a part of society and there would be less difference between ‘us’ and ‘them’.”*
- *“Being in touch with society keeps the hope alive to become part of it again.”*
- *“Prison, such as it is now, alienates you from society as well as from your family.”*
- *“The fact that you are imprisoned means that you have problems functioning within society. But how can you ever learn to function more appropriately in society when you are totally excluded from it?”*
- *“Living in small groups stimulates taking up responsibility.”*
- *“A lot is being said about the problems of prisoners and the risks, but nobody actively tries to tackle these risks or to solve the problem.”*
- *“As an inmate, you are not considered as a*

*human being, but as an inmate. Isn't it the whole idea that we should leave prison as human beings?"*

- *"If somebody has cancer, nobody in their right mind would leave them untreated in an unhealthy environment, would they?"*
- *"People underestimate how many prisoners would like to be helped, but don't know how to ask for help, or who have given up hope of finding help."*
- *"Prison should be a place where you learn things, instead of a place where you learn to forget how to live autonomously."*
- *"A PSD report purely concentrates on the origin of crime and on risk assessment. At a much earlier stage, a report should be made up, based on the situation in different areas of life (work, education, family, psycho-social functioning). It should serve to support the path to recovery (instead of serving as an obstacle to potential release). Opportunities, positive evolutions, possibilities and targets should be at the centre. Currently it only produces negative attention, for instance when there are problems and when disciplinary measures are being considered."*
- *"Active reintegration should be started from day one of detention. At the moment, the term is used in the context of keeping people inside, rather than in the context of preparing them for functioning outside prison."*

From the outset, the Solution Plan will clearly define the conditions for the inmate's regime programme, the duration of his detention as well as for his rehabilitation. Both during detention and rehabilitation, maximum emphasis will be placed on active societal participation and social relations. In this sense, the location of the detention should first and foremost be dictated

by the proximity of visitors and the family of the prisoner.

The Solution Plan traces the personalised path which the prisoner will follow through his detention and rehabilitation. More specifically, it describes the trajectory through different types of detention houses, support, training, employment ..., within a clearly defined time frame. All the phases of this journey should take place in one and the same area in order to respect the principle of proximity. This also avoids undue pressure on the social network of the individual. On the contrary, it allows for maximum involvement and support by this network.

The prisoner and his Individual Planning Supervisor draw up a Solution Plan which they will follow together and which can be adapted throughout all phases of sentence execution. This allows for continuity in the support plan, and offers the flexibility to cater for individual needs and developments. The plan needs to be approved by the sentence execution court and needs to be signed by the director of the detention area.

Hereafter is a report of the results of the discussion concerning the Solution Plan in the workgroup 'support for prisoners'.

### **Content of a Solution Plan**

In the first place, the plan offers a concise description of the current situation of the person, giving only information that is relevant for the execution of the detention and rehabilitation.

A view of the judicial situation, sentences and the offences committed serve as a basis by which to define - before the start of the sentence - the timescale for assigning leave permits, temporary release, electronic monitoring or night-time

detention, conditional release and eventual discharge.

Secondly, solutions and needs that are already in place are charted, relating to housing, income, social network and the prisoner's role in society. On the basis of this a detention plan and a rehabilitation plan are made up. All this is then bundled together with a clearly defined timeline.

The timing is established at the start of the sentence, based on legal minima, if and when there is sufficient ground to do so. This will only be altered if the prisoner fails to comply with the conditions that he has accepted in the plan. The possibility to grant leave permits or to allow temporary release ahead of the legal date is in line with the foundations of the project. One should not wait to start working on the future until detention is over, but one has to start from day one. Making up a Solution Plan offers encouragement to the prisoner. It also avoids the danger of being faced with the fact that there is no

precise and tested plan at the moment when the time conditions for night-time detention, electronic monitoring or conditional release expire and which will lead to an even longer period of detention and creates extra overcrowding.

The sentence execution courts can only order changes to the content of the detention and rehabilitation path (a different type of detention house, a different type of support or professional training). They will only do so following a request from the Individual Planning Supervisor (through his director) or from the prisoner. Even if there is no rehabilitation plan, a detention plan that allows the prisoner to fill in his sentence meaningfully may still remain a possibility. Whenever a detention plan is missing, the prisoner will undergo his detention in a detention facility that merely offers a basic regime. The sentence execution court will decide whether this will be in an open, closed, higher or lower security facility.”

## Example of a Solution Plan

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### Solution Plan

Hicham E.B.

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#### 1. Personal Data

Name: Hicham E.B.  
Date of birth: 01.01.1984  
Place of birth: R.  
Nationality: Belgian  
Address: Kerkstraat 3 in K.

#### 2. Judicial situation: sentences and facts

Hicham has a total sentence of 5 years. He is currently serving two sentences, one of which is a revoked probation measure.

On 01.02.2010 he was sentenced by the C.C. at O. to two years in prison with conditional postponement (probation) for five years on account of a number of burglaries and thefts in department stores and other shops. Probation was revoked on 10.01.2012.

Hicham subsequently incurred a new sentence of three years imprisonment on 02.02.2012 on account of theft with violence – assault and injuries. For these facts he was in custody from 01.11.2011.

Other than the sentences that he is currently serving, his criminal record shows a conviction by the police court at O. (01.02.2008) for driving under the influence in an uninsured vehicle.

Furthermore, as a minor Hicham had been placed under custody by the juvenile court for dealing drugs. He subsequently spent two months in a closed institution for juveniles (from 02.01.2000 till 02.03.2000).

#### 3. Current situation and measures to be taken

##### 3.1. Housing

Hicham is able to return to his family home where his wife and son live.

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There are no steps to be taken in finding housing.

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##### 3.2. Income

Until his detention, Hicham received unemployment benefit of € 320 per month. After his detention Hicham would like to find work.

Hicham has debts to the amount of about € 25.000 (fines, judicial fees, compensation to be paid to the civil party). He would like to have a clear and complete view of his debts, and possibly start to repay his civil parties during his detention.

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A financial support plan has been started with CAW to chart his debts and to start with a repayment plan.

The Unemployment Office will be contacted to sort out his papers for his unemployment benefit.

A restorative justice mediator will be contacted to discuss repayment of the civil parties.

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##### 3.3. Social network

Hicham is married to Sadia B. and has a one year-old son Bilal E. B. After his detention he will go and live with them.

Hicham is supported by his parents, three brothers and two sisters, who all regularly visit.

These relationships are all important to Hicham for support, for his rehabilitation and to avoid relapse.

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Detention should take place in the area where his family lives to allow maximum visits by his wife, parents, brothers and sisters.

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### 3.4. Role in society

Hicham stopped his training at the age of eighteen. Up till then, he had followed car engineering for three years, and had started a fourth year of a building construction course for the second time, but did not finish it. Therefore, he has no secondary school diploma and no certificate of vocational education. He would like to obtain his qualifications for secondary school and continue his training in car engineering to improve his chances on the job market.

Hicham has some work experience as a temporary worker for several mobile phone companies, in the car workshop of his uncle and in the catering industry.

Hicham is prepared to tackle a number of problem areas that caused him trouble in the past: drug use and drug dealing, financial problems, ADHD problems, aggression, lack of training and lack of work experience.

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In September 2012 the first cycle of the training in car engineering was started.

With regards to drug use, aggression and potential ADHD problems some orientation and diagnostic measures have been taken. Individual and group sessions have been started at De Horizon and a diagnostic centre for ADHD has been contacted.

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## 4. Detention plan

The detention will start with a stay in **house A** with medium security in the Flemish Ardennes

(because of family ties). The emphasis is on the training in car mechanics that will start in 2012 and also on stimulating a professional attitude in the kitchen team.

During the stay in house A, provisional discussions with social work services, restorative justice mediation and De Horizon will be started. These discussions will initially take place at the house. From November 2012, it may be possible to hold these discussions outside the house. This process could be gradually built up until February 2013. In November 2012 one ambulatory consultation could take place, two in December, three in January and four in February.

If so desired, group sessions on drug addiction can be attended in house B, and a coach from Velkro could be called in (this in case problem areas in work attitude should arise in the kitchen team).

In this first phase, papers from the Unemployment Office should be sorted out and a diagnostic centre should be found where Hicham can be tested for ADHD.

Maximum visits by his family should be facilitated.

At the end of **February 2013** a transition will be made to **house B** and the second cycle of the car engineering training will start. This course starts in March 2013 and practice days in a regional garage will be arranged. The frequency of these workdays will gradually increase from weekly to several times per week, until the start of the apprenticeship in May 2013.

The talks with the supporting services (CAW, restorative justice and De Horizon) can be continued outside the house from then onwards. If so desired group sessions on addiction could be continued in the house and at that stage some guidance on ADHD and aggression issues could be introduced.



Penitentiary leave with the family will start from 1.11.2012.

## 5. Social rehabilitation plan

As from **May 2013**, his training in car mechanics will involve an apprenticeship. This could take place under the **electronic monitoring regime**. From then on Hicham can join his family on a permanent basis.

After completing his training, Hicham would like to get to work as soon as possible. This could be at the place of his internship or elsewhere. At that stage the financial support by CAW will be intensified in order to review and recalculate repayment of his debts. The counselling by De Horizon may equally be intensified to offer additional support during this period of transition.

## 6. Time path

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Present ►

- Detention in house A
- Work in kitchen team
- Discussions with CAW, restorative justice and De Horizon in the detention house
- Diagnose ADHD
- Papers unemployment sorted
- Possibly attend group house B and coaching Velkro

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01.09.2012 ►

- Start training car engineering

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01.11.2012 ►

- Gradual start with leave permits for ambulatory talks with CAW and Horizon (1 to 4 per month)
  - Gradual start leave permits with family
- 

28.02.2013 ►

- Transfer to house B
  - Start 2nd cycle training
  - Leave permits for internship in local garage
- 

01.05.2014 ►

- Electronic monitoring
  - Internship in local garage
  - Ambulatory counselling CAW and Horizon
- 

01.11.2013 ►

- Conditional release
- 

11.11.2017

- End of Sentence

### **Example of a ‘problem plan’**

By means of illustration we’d like to describe the journey that Hicham would have to make in the current penitentiary reality. It exemplifies the fact that it would be rather a ‘problem plan’ than a solution plan.

Hicham starts his detention in Oudenaarde, but is quickly transferred to Tilburg since he complies with the criteria for detention in Tilburg, notably because he has hardly incurred any disciplinary measures.

His family are unable to visit in Tilburg (due to distance and travel expense). Initially Hicham accepts this decision, but he misses his wife and son. Moreover, his motivation to deal differently with his former way of life evaporates, since this motivation is closely linked to his family and the promises that he has made them. He gets frustrated and living together in a cell with seven other inmates becomes hard to bear.

When a conflict arises between his cellmates, his first reaction is to try and mediate. When he notices that his attempts fail, he gets ever more frustrated. One day the situation explodes and he is involved in a fight. Consequently, he is transferred again, this time to Wortel. Here, he ends up in a cell with four others with whom he can’t communicate, because they all speak foreign languages.

In order to appease his frustration, Hicham starts to use drugs again, because they calm him down and help him to forget the pain of missing his family.

His first few requests for leave and penitentiary leave are refused, mainly because of his negative attitude to detention.

At a given moment a day release permit is granted. On the day in question, he has counselling and has to visit two service centres in order to find work. He is allowed ten hours to arrange everything, but has to travel to Oudenaarde in order to do so. In the end, he fails to get back in time, because of difficulties with public transport.

He saw his wife that day, and he noticed that something was wrong, but could not put a finger on it. A few days later, he receives a letter from her lawyer, saying that she wants a divorce. She could not handle the situation any more, and has lost faith in him because he had been using drugs again.

This is a serious blow for Hicham. It also means that he has no right to go on home leave and has to find new housing. He tries to register with a social housing agency, but cannot be admitted to the waiting list because his residential address is not with the correct council authority.

In the meantime, the end of his sentence is in sight, and he decides to serve it to the last day, being unable to qualify for electronic surveillance or probation. Upon his release, he is once more completely hooked on drugs, has no income and no housing. The only person who is willing to put him up is a fellow inmate. Soon they start to commit new misdemeanours in order to get some money.

## POINT OF VIEW

### A PRISONER

What I think as a prisoner about the plans to build houses where prisoners have to serve their sentence: I find this a brilliant idea.

If, for instance, a number of prisoners with roughly the same sentence are placed together, then they can be helped by professionals instead of by prison officers. These people can teach us how to live in society, which we are going back to sooner or later anyway. These people should be able to continue counselling us until we are back on our feet again.

If you have learned how to work and study, to wash and cook and similar things that are essential to everyday life, then you can see as a prisoner that there are other paths in life besides crime.

At present, we're all squashed together without any counselling, without learning how to grow in society. You emerge from prison full of frustrations because you've learned nothing except that you've spent part of your life or your whole life inside without even learning how not to reoffend.

Building houses is the way forward. 2012, the prisons are all overcrowded. The current approach is distressing.

As a prisoner I hope never to be behind bars again, but I'm worried because everyone ends up back inside. That's because there is no help available for this problem. Someone who has spent ten years in prison can't be rehabilitated from one day to the next.

Thank you for listening to my opinion and thank you for your time.

Kind regards,  
M.



# Personnel



**LIESBETH NAESSENS**

## **Introduction**

Nobody in their right mind would deny that working in detention is not always easy. It demands (human) knowledge, skill and perseverance to work within a rigid framework on a daily basis, with people who bring along a whole host of problems, and who can easily get carried away when tension rises.

On the other hand, prisoners have a great need (and have a right) to receive expert support and guidance by people who are not put off by a checkered past, criminal facts, harsh words... They have a right to be working with professionals who have kept their faith in people and who believe in the necessity for structural change.

The whole philosophy of The Houses is based on the principle of working towards solutions for people.

The personnel workgroup has been reflecting on a number of questions relating to staff for the detention houses: what should their profile be like, their tasks, how should they be coached, how should they be trained? The workgroup answers these questions in the following pages.

Things have got to change!

It is extremely important to pay attention to personnel policy. The vision concerning personnel should be aligned with the principles of small-scale operation, differentiation and proximity. This project will only succeed if there is a suitable personnel policy that employs the right people and offers them opportunities to develop, to make their job in a detention setting doable and meaningful. The personnel policy should focus on solution-based detention, where attention is paid to care and security for all involved. Care and security should be anchored in the organisational structure and processes and in job profiles.

The Detention Houses should connect closely with services provided in the outside world. Prisoners should be allowed to benefit as much as possible from the services, organisations and institutions that are available to the general public. This should be a basic principle. Parallel services should only be organised internally if and when it is impossible to take advantage of the regular services. In this concept, existing services in society should be involved and made aware of their responsibilities to prisoners.

The workgroup is strongly in favour of a transparent organisational structure with clearly defined job profiles. The structure created by the workgroup allows each member of staff to offer

personalised, tailor-made support. The personnel policy focuses first and foremost on the needs of the prisoner, without losing sight of organisational needs.

### Functions within The Houses

The concept of The Houses involves several functions: gatekeeper, house supervisor, plan counsellor and Regional Detention Director.

It is essential that all members of staff can demonstrate the following characteristics: a positive vision of mankind, respect for human rights, willingness to reflect on oneself and to participate in peer supervision.

Here is a schematic overview of which staff members are needed in each type of house, followed by a brief look at each of these functions.

**The Gatekeeper** is only needed in closed or half open detention houses. A gatekeeper is always present, 365 days of the year and at all hours of the day or night. His main duty is to supervise all incoming or outgoing traffic of people or goods.

**The House Supervisor** is present in all types of Houses. He is responsible for order and living conditions. He is assigned to one specific House.

**The Individual Plan Counsellor** is assigned to work with individual people. This means that he supports the prisoner through different Detention Houses and during probation. He will also liaise with service providers in the outside world that can offer support to the prisoner. The Individual Plan Counsellor has a budget and/or legal authority. He will report to the Sentence Execution Court, but only on matters involving the Solution Plan.

		Cluster of three detention houses			Medium security house	Probation house	Open Detention house
		Crisis house	Custody house	Closed detention house			
Gatekeeper	Connected to house	One gatekeeper day or night				No gatekeeper	
House supervisor	Connected to house	One by night, two by day (12h)				One by night, two by day (8h)	
Individual plan counsellor	Linked to the individual prisoner	Each prisoner is assigned an individual Plan Counsellor: case load fifteen files per plan counsellor.					

**Support workers contracted from the outside world** (employment advisor, teacher, psycho-social counsellor, care worker, sports instructor...). These people work according to their own professional ethics and do not report to the Sentence Execution Court. Depending on individual needs, the prisoner will make maximum use of existing services in the outside world and will do so outside The Houses whenever possible. These services will be delivered inside The Houses only as a last resort. These support workers will pass on a limited amount of information to the Plan Counsellor when called upon. This will be regulated by a service-level agreement in accordance with the legal requirements concerning client confidentiality.

**The Regional Detention Director** is the line manager for the Gatekeeper, the House Supervisor and the Individual Plan Counsellor. He makes sure that all cooperation agreements are complied with, that contracted support services from the outside world fulfil their responsibilities as agreed (for instance for leisure activities, sports...). The Regional Detention Director is also responsible for following up all the issues relating to the prisoner's eventual conditional release.

### **Clarification**

Due to the fact that the Individual Plan Counsellor supports the prisoner from the start and throughout detention and probation, the prisoner won't have to tell his story again and again and he won't have to build up a relationship with his support worker(s) several times over. The Individual Plan Counsellor has the opportunity to establish a lasting professional relationship with

the prisoner. Since the Individual Plan Counsellor keeps following up the prisoner (even after his release), they will make the journey together with shared successes, experiences and disappointments. This will foster a sense of responsibility on both parties.

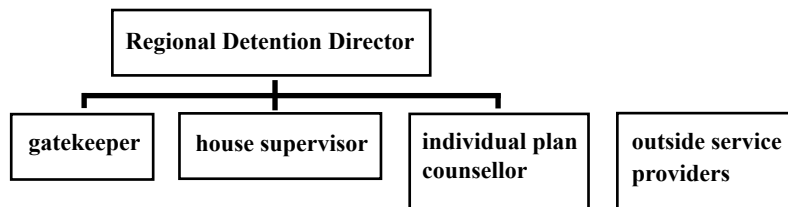
The Individual Plan Counsellor reports to the Sentence Execution Court, but only with regards to the conditions outlined in the Solution Plan.

The House Supervisor is permanently present at the House, which makes him the first port of call for the prisoners. He creates a comfortable atmosphere for everyone by interacting closely with the different groups within a House. The small-scale nature of the operation allows for close interaction between the House Supervisor and the prisoners.

The support workers from outside service providers may be called upon according to the prisoners' needs and the expertise of those services or organisations. They do not report to the Sentence Execution Court because of the importance of discretion in a confidential professional relationship. However, it might be in the best interests of the prisoner that information should be exchanged. Alternatively, prisoners themselves can request that this occurs. This should, therefore, be made possible to a limited extent. The nature as well as the amount of information that may be exchanged should be subject to restrictions and agreements that all parties are aware of. There are certain practical examples of similar cooperation between services that could serve as inspiration such as the 'cooperative agreement between the federal state and the Flemish community on the support and treatment of perpetrators of sexual offences'. This document describes how this kind of information can be dealt with.

## Organisation chart

The organisation chart does not illustrate where the responsibility for the functions would currently rest (federal or Flemish region). The workgroup does not consider this division to be constructive. In the interim phase we believe that the regional directors should be a mixed team, which means they will be paid by the Flemish region and the federal government jointly.



## Job profiles

### - Individual Plan Counsellor

#### Qualifications required

Bachelor diploma social work

#### Extra requirements

Mobile

Willingness to undertake training

#### Job description

Active liaison with service providers in the region and the development of partnership arrangements with the same

Contacting/developing a social network to cater for the needs and abilities of the prisoner.

Support the prisoner in developing his Solution Plan

Attend sessions of the Sentence Execution Court at the request of the prisoner or the court itself with a

view to supporting the prisoner during these sessions  
Coaching the prisoner in respect of the implementation of the Solution Plan

Signing contracts with service providers required for the implementation of the Solution Plan and actively following up the arrangements made with these service providers

Main contact point for the prisoner for a year after completion of the Solution Plan

Reporting to the Sentence Execution Court in respect of the Solution Plan

## Competence profile

### Knowledge

Foreign languages

Criminal justice system

Risk factors

Target group and related problems

Strength-based approach

Organisations who can provide assistance to prisoners

### Skills

Can work in a strength-based manner with the prisoners

Can build up trust with the clients

Ability to create networks and partnerships

Strong communicator

Ability to operate autonomously and in a team

Coaching skills: listening, discussing, motivating, setting boundaries

Dealing with budgets and tender offers

Detecting risk factors

Dealing with diversity

Conflict management

### Personality and attitude

Openness to diversity

Interest in the target group



Creativity in problem situations  
Perseverance  
Positive view of humankind

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## **- House Supervisor**

### **Qualifications required**

Bachelor diploma human sciences

### **Job description**

Supporting and coaching group dynamics in the house in order to improve the well-being of the residents, developing their personality and promoting their reintegration

Guiding and encouraging group processes

Establishing personal relationships with residents

Organising, monitoring and evaluating household chores performed by residents

Organising and monitoring leisure activities (culture, pastimes, sport...)

Partnership working and consultation

Reporting and note-taking in different kinds of meetings

Attention to self care and care for colleagues

Following training

Guiding students on placement

### **Competence profile**

#### **Knowledge**

Knowledge of group processes

Knowledge of target group and related problems

Familiar with the penitentiary procedures

Dutch speaking, but also knowledge of French and English

#### **Skills**

Communicative and relational skills, ability to use motivational interview techniques

Conflict management skills, managing aggression

Reflective skills

Reflecting on one's own behaviour

Questioning oneself

Guiding a group and being able to constructively set boundaries

Organisational skills

First aid

Leadership capacities

### **Personality (characteristics)**

Integrity, trustworthiness, correctness

Stress resistant

Empathy

Assertive

Decisive

Flexible

### **Attitudes**

Not judging but respectful

Fair

Emancipatory –can stimulate freedom of choice and responsibility

Focused on listening and communication

Positive view of humankind

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## **- Regional Detention Director**

### **Qualifications required**

Masters' degree

### **Job profile**

Responsible for the operation of several Houses

Supervises the operational organisation and execution of Solution Plans

Ensures that the policy and practice in the region conforms with the stipulations of the European Convention on Human Rights

Recruits, selects and can dismiss staff

## **Competence profile**

### **Knowledge**

Has knowledge of detention related legislation

### **Skills**

Coaching skills

Strong communicator

Organisational talent

### **Personality and attitudes**

Leadership

Responsibility

Authenticity

Humour

Positive view of humankind

## **Recruiting and selecting staff**

When staff for The Houses is selected and recruited, it is imperative to pay attention to competences and skills, but also to establish whether candidates subscribe to the basic principles of the concept and whether they would be able to perform their job according to these principles. Vision, personality and attitude are of paramount importance.

For the Individual Plan Counsellor as well as for the House Supervisor a basic diploma of bachelor in human sciences is required. The workgroup explicitly insists on this because this sort of practical education emphasizes the development of reflective skills. For the Individual Plan Counsellor a diploma in social studies is required. Directors should possess a masters' degree at the time of recruitment.

## **Training and education of personnel**

All members of staff should be willing to undertake further education. We also foresee a centre for guided peer support and supervision where staff can acquire these skills and exchange experiences with members of staff from different Houses and detention areas. This should be an ongoing process during the whole career of the staff members. It is essential that trainers have practical experience from the work floor.

## **Deliberation and planning**

Two kinds of deliberation meetings will be organized.

### **1. Conditional release and resocialisation**

#### **- Objective**

Discussion and agreement on all issues relating to resocialisation and the Solution Plan

#### **- Attendees**

House Supervisors

Individual Plan Counsellors

Prisoner

#### **- Frequency**

monthly

### **2. Team meeting on House matters**

#### **- Objective**

Discussion and agreement on all matters relating to the House

Evaluate the group functioning in the house in order to develop a tailor-made support methodology

Discuss and optimise security aspects in the House

**- Attendees**

House supervisors  
Porter

**- Frequency**

weekly

**Conclusion**

This personnel plan is revolutionary. Currently, penitentiary personnel operate within a different structure, have different functions and are subject to very different expectations. It is far too easy to stay within our current conceptual frameworks and to hang on to what we know best.

To let go of all this and dare to dream and take a stand is more of a challenge. That is what we propose to do even though we're conscious that this is a big step to take. But we are deeply convinced that society needs to invest in the support of prisoners. Everyone will benefit if prisoners are properly supported. What we set out here is in our humble opinion the best way forward!



# IMPRESSIONS OF THE 'DIFFERENTIATED SENTENCE EXECUTION' PROJECT

XAVEER LAUREYNS

When I was asked to take part in this project, my initial reaction was to decline politely. Since I am used to (and am being paid for) thinking ‘*within the box*’ when it concerns the umpteen little rules on sentence execution, I did not consider myself to be the ideal person to contribute meaningfully to a totally ‘*out of the box*’ idea such as The Houses. The question remains whether – in hindsight – my contribution has actually been meaningful. And yet I feel perfectly happy to have been part of this project.

In the first place it has enabled me to enjoy bicycle rides through the ever so charming inner city of Ghent by dusk, or long after that (initially our meetings were held in the House for Peace and latterly in the House for Humanism near the Saint Anthony Quay).

More importantly, it has enabled me to reflect from a shared ‘judicial reflex’ on the (by that time considerably crystallised) concept of ‘The Houses’ with representatives from other stakeholders in sentence execution (legal professionals, prosecutor’s office,...) in an informal atmosphere.

The concept had indeed been considerably matured on a number of levels in other workgroups before it was handed over to the ‘legal guys’.

The main assignment of the judicial workgroup was to make an inventory of legal changes that would be required to allow The Houses to become a reality as an experimental project (in one or two regions) before being rolled out globally. After an initial (and perhaps inevitable) phase of objections at an intrinsic level (*e.g. how will it be possible to sign an appeal from within prison?*), the group proceeded to a more targeted phase where they managed to emerge from the seductive shadows of the status quo. The result was a first draft of a text to modify the existing law on the external judicial position of convicted prisoners.

I can only hope that a meaningful contribution has been made to the realisation of what seemed at first to be just a good idea, but in my mind is now inevitably the way to go forward.



# Judicial Perspective

## JUDICIAL WORKGROUP

### Introduction

Belgian sentence execution follows two important laws. The differentiated vision on sentence execution by The Houses will have to comply with these laws.

The **internal judicial position** is laid down in the Basic Act on detention and judicial position of prisoners from January 12, 2005 (from now on 'Basic Act'). This act covers all internal affairs during imprisonment and it grants prisoners certain rights, relating to the prison regime that they are submitted to. The Basic Act also states where the sentence should be executed and who will be in charge of detention. It is imperative that Detention Houses and Regional Detention Directors should be mentioned in the Basic Act.

The Basic Act also refers to an 'individual detention plan' which describes the trajectory during detention. It mentions certain activities that should help with reintegration, and perhaps some advice on future transfers. There are also proposals for activities that the prisoner could participate in, regarding employment, education, training and other activities that encourage re-integration. These could be psycho-social, medical or psychological treatment programmes. These aspects also form part of the Solution

Plan, which will be included in the External Judicial Position Act.

The remaining articles in the Basic Act are compatible with the project and only need to be put into practice in line with the context of the Detention House.

The **external judicial position** is covered by the Act on the external judicial position of people convicted to a custodial measure and the victims' rights, which falls under sentence execution terms from May 17, 2006 (from now on 'External Judicial Position Act'). This describes the legal framework of the complete trajectory of the prisoner and his transition from prison to society. Here also, the Solution Plan should be included.

The judicial workgroup has investigated to what extent these laws are compatible with The Houses, or whether any changes were necessary, and has come up with the following remarks.

## **The Detention House**

Article 2, 15° of the Basic Act states that prison is *‘An institution meant to execute sentences of imprisonment and custodial measures appointed by the King’*.

Articles 14 and 15 of the Basic Act further say that the King will appoint these prisons according to *destination or other criteria*.

Thus, the Basic Act provides the opportunity for the authorities to establish a differentiated form of sentence execution by Royal Decree. A Detention House could be recognised as a prison with a specific purpose and as such appointed, it can be anchored in the Basic Act by means of an extra title.

## **The Regional Detention Director**

Article 1, 13° of the Basic Act describes the *‘director’* as an *‘official who is charged with governing a local prison or department thereof’*.

Once The Houses are established, the director will have territorial authority over several detention houses and will thus be director of a *‘detention area’*. This duty may also be assumed by the *‘Head of an Institution’* as mentioned in Article 1, 14° of the Basic Act, an option which already allows for the fact that one person governs several prisons.

## **Placing prisoners**

Article 18 of the Basic Act says that the penitentiary administration (board?) possesses the authority to decide where to place or transfer prisoners in a prison. A royal decree should establish specific rules for this. These elements will be incorporated in the Solution Plan of The Houses.

In view of the differentiated sentence execution at The Houses, the penitentiary administration will have to execute the Solution Plan such as described in the External Judicial Position Act.

## **The Solution Plan**

Today, Article 38 of the Basic Act defines the shape and content of the *‘individual detention plan’*. Whenever a Solution Plan is made up in conformity with the External Judicial Position Act, it will have the individual detention plan as a minimal standard. The External Judicial Position Act refers to a *‘social reintegration plan’* in Article 48 that should define the perspective of social re-integration of the prisoner.

The Solution Plan as made up by The Houses today contains elements of both the individual detention plan and the social re-integration plan. The judicial workgroup therefore proposes to add an extra title to the External Judicial Position Act concerning the Solution Plan, ahead of the present *Title V. ‘Sentence execution terms imposed by the sentence execution judge and the sentence execution court.’*

Namely:

*“Title IVbis: The Solution Plan (detention and social re-integration plan)”*

## **- Chapter I. Definitions and objectives**

*Art. The solution plan consists of a detention plan and a social re-integration plan and serves to offer a trajectory and support to the prisoner that should allow him to meet the basic principles of the sentence execution terms of article 9 of the Basic Act.*

*The detention plan is defined in accordance with article 35 and following the principles of*



*the Basic Act from January 12, 2005 on detention and the judicial position of prisoners. The social reintegration plan is defined according to article 48 of the External Judicial Position Act for people sentenced to a custodial measure and the victims' rights in the context of sentence execution terms (modalities?).*

*The king decides on the content of the solution plan, which invariably contains a time path.*

## **- Chapter II. Procedure and decision**

*Art. Prior to the procedures of allocating sentence execution terms as in Title V of the External Judicial Position Act for people sentenced to a custodial measure and the victims' rights in the context of sentence execution terms, the convict may seize the sentence execution court in order to be informed on his proposed solution plan. A copy of the solution plan is handed over to the public prosecutor.*

*Within a period of three months after submission of the solution plan, the sentence execution court will be in session to discuss and/or amend*

*the plan in a contradictory debate. The prisoner, the prosecutor and the plan counselor are all heard. The sentence execution court ratifies the plan on which all have agreed.*

*Art. On a yearly basis or at the request of the prisoner or the plan counsellor a new session will be held to evaluate and/or change the solution plan.*

*Art. In its decision on the solution plan, the sentence execution court may decide that the prisoner is entitled to sentence execution terms involving leave of absence or penitentiary leave, as foreseen in Title IV of the External Judicial Position Act for people sentenced to a custodial measure and the victims' rights in the context of sentence execution terms. It is the Justice Secretary who ultimately decides on execution of this decision."*

*In case the conditions of these terms are infringed upon, the sentence execution court may order the withdrawal of the modalities.*



# Prisoners' reactions to The Houses

MARJAN GRYSON

Who is better placed than the prisoners themselves to reflect join on a new concept for sentence execution and imprisonment. This is what the developers of the concept believed. That is why we consulted a number of prisoners on various occasions during the course of the project. We did this via individual and group conversations (study groups): prisoners also put their opinions on paper.

Both their experience with the current system as well as their ideas about alternatives and their feedback on the concept of The Houses proved to be useful material for discussion, food for thought, a source of new elements in the concept and support for the principles of The Houses.

## 1. The concept and basic principles of The Houses

This is how the prisoners reacted to the concept and principles of The Houses:

**Small houses are better than large prisons,** especially because of the negative baggage that is inherent to large prisons that you have to carry

as an inmate: stress, aggression, discussions, conflicts, not being able to avoid people, constantly having your patience tested, insecurity, lack of clarity, wasted time, absurd and unnecessary rules, and anonymity.

*"In a big system you're no longer a person, you lose all individuality and as a result also all humanity."*

*"As it is today, a prison is a jungle. The transition to an ordinary family life in society is much too big."*

*"If we were to live in houses, we'd continue to be more a part of society and the difference between 'us' and 'them' wouldn't be so big."*

*"Staying in contact with society keeps alive the hope of wanting to get back."*

*"Today the prison makes you become alienated, both from society and from your own family."*

*"The fact that you are inside means that you have problems functioning in society. But how can you learn to function better in society if you're placed completely outside it?"*

*"Living together in a small group encourages*

you to take your responsibilities seriously.”

**Differentiation, counselling and active rehabilitation are important**, more humane, and make a tailor-made approach possible etc.

*“A lot gets said about the problems of prisoners and the risks, but no one is actively doing anything to tackle and solve them.”*

*“As a prisoner you’re not seen as a human being, but only as a prisoner; while the whole point surely is that we have to leave as human beings?”*

*“If someone has cancer, then surely you’re not going let them wait for ten years in an unhealthy environment?”*

*“The number of prisoners who want to be helped is underestimated, but they don’t know how to ask for help or they think that nothing is wrong anyway.”*

*“You should be able to arrange the room you have to live in for so long and be able to adapt it to what you need, like having a study corner.”*

*“You should be able to choose to develop your own life according to your own individual situation, needs, abilities, skills, etc. instead of having to slot yourself into a pattern that’s the same for everyone. This is the only way to remain human.”*

**Proximity or contact with the outside world** is important during imprisonment, ‘because ultimately the objective is that we should be a part of it again, right?’ Both contact with society and being able to lead a life that at least shows some similarities with the world outside are important in this.

We must seek to create a system in which people

can live, learn, work, care for and be taken care of by others, make use of their own talents and the talents of others, etc., just as outside in society at large.

The fact that prisoners are part of society must never be lost sight of. Horizons for prisoners must gradually be broadened, for instance by organizing more excursions or accompanied outings to various places and in different situations.

Contact with the family is also of invaluable importance. There is a huge need for more flexibility and freedom in contacts with the family. Here are a number of concrete proposals on this subject:

- Incarceration close to the family
- Broader and more flexible visiting arrangements
- The ability to choose how and when you deal with your family
- The possibility of building up and maintaining intimate relationships
- The use of technology to enable two-way contact with the outside world (so that children themselves, for instance, could call their fathers in prison)
- The possibility of assuming your role and responsibility in the family (for instance, taking care of your children)

## **2. A number of concrete proposals for the realization of The Houses**

As regards living together in houses, several elements should be considered:

- Taking care of domestic tasks together and

even making arrangements to carry these out encourages the individual to be responsible and honest.

- A proper distinction between being ‘alone and together’ has to be maintained, for instance by letting prisoners choose the activities which take place in the common and private spaces.
- Prisoners and psychiatric inmates should not live together: that’s good for no one.
- Overall, the same rules and arrangements must hold for everyone, but some flexibility is required within these limits to be able to take into account the differences between people.
- A good group with clear arrangements is important. This can happen for instance by making arrangements together, by putting them down on paper and signing them.
- When considering the composition of groups who will live together in a house, one must take into account the similar nature of their problems, crimes, sentences and the phase of the sentence. Factors like culture, age, etc. are less important.
- There has to be a mix of newcomers and people who have lived for longer in a house and who can provide a model and support.

There must be a balance **in daily life and the organised activities** between structure and options (and therefore flexibility) in what you want to do, and in how and when you do things. A number of things must be possible, but not obligatory, such as outdoor activities, wearing your own clothes and gear, sport possibilities, etc. Prisoners should have more opportunities to follow courses, to get diplomas, etc. Being collectively responsible for comings and goings in the house should be obligatory. A number

of things, such as work, could perhaps occur outside the house. And prisoners should be able to learn more from one another and to teach one another what they are good at.

*“Having to take care of household duties (cooking, washing, etc.) encourages you to be responsible and ensures you don’t forget how to be independent.”*

*“A prison should be a place where you can learn, instead of a place where you forget how to be self-sufficient, for instance.”*

As regards **staff**, what is especially important is that they are trained in dealing with people, are good judges of human character, can counsel people and calm them down if necessary. The staff’s function and focus should be counselling, communication, support, and ensuring that prisoners emerge better (instead of surveillance and security). In terms of profile, they should be like educators rather than guards, people who function and react in a just manner, with a humane attitude, who really listen (without this immediately having consequences), and have personal contacts. In the current system, power plays too important a role.

*“They are people and I am a person, and when I come across them later outside they won’t be able to launch a disciplinary procedure against me or put me in the lockup, so we might as well learn how to deal with one another in a decent and equitable manner here too.”*

*“Better educators than tyrants. An educator can help me learn from my mistakes, can help me do things differently, can support me, can help me look for what I need. A tyrant locks me up and leaves, teaches me nothing.”*

The following was said about the possible functions or roles in the staff plan:

- A counsellor or confidential advisor with a duty of professional confidentiality
- A counsellor who is also in contact with your family, work, etc.
- Someone who assigns the tasks in the house
- A kind of centre with a number of functions, which possibly works for the various houses
- A person responsible for you, who you can talk to, who knows you as a human being (and not as a number) and who constantly follows your file

Specialized, individualized and active **counseling** is necessary. It can be a question of relationships, parenthood, aggression, money, etc.

*“All prisoners have had trouble with something, otherwise they wouldn’t be inside; but everyone has a different personality, different needs, problems, etc.”*

*“My private life has to remain private. It’s not because I made a mistake that I no longer have the right to privacy.”*

*“Being able to trust a counsellor is crucial.”*

*“A disciplinary sanction doesn’t teach you to behave differently.”*

**Security** is also important, for instance in terms of violence, weapons, etc. As a result, the material in the houses must be controlled, and there must be electronic surveillance. There must also be a system to report medical emergencies so that the relevant services can intervene rapidly. On the other hand there are now many unnecessary inspections and absurd rules in the prisons, which moreover often don’t work. What’s most important in terms of security is to build up trust.

For instance, it should be possible to work with a kind of contract, with a reward system. An individual approach will in any case ensure greater security, and if the staff are trained to deal with people, you’ll need fewer security and disciplinary procedures.

Active rehabilitation from the 1st day of incarceration. Rehabilitation should be the central objective from the start of the incarceration. That is why it is necessary to establish at the outset what is necessary to help people function better (and not, or not only, to determine blame or risk). There should be certainty and clarity about when you are going to be released, on the basis of clear and objective criteria, and in the time before then, you must be counselled step by step and actively to be able to function again in society. Greater clarity is also needed for other matters, such as who counsels you and will continue to counsel you, who decides what, how things are going with your family, etc. A gradual build-up, continuity, positive reinforcement, giving people responsibility and follow-up are important.

*“The hope of being released and trusting that you will manage to function in society are necessary to be able to survive. If you don’t have that, you’re going to numb yourself with drugs and medication.”*

*“Ex-inmates have no margin for error. They must prove that they can operate perfectly, while they’re precisely the ones that had less opportunities to start out with and those slight chances are made even smaller during their time inside.”*

*“If you don’t have a chance of freedom, it only leads to frustration and on top of that you have nothing more to lose. A chance of*

*freedom is therefore also important for the safety within the prison and for society.”*  
*“Today the term “rehabilitation” is mostly used to keep people inside rather than get them to function outside again.”*  
*“Prison is now synonymous with survival. What we need is to learn how to live normally.”*  
*“Today release on parole is almost an illusion. That means it’s completely missing its target, no?”*  
*“A report by the counsellor is only necessary*

*in the case of a relapse or if clear arrangements have been violated; not across your whole life or in your private life. If you know that everything is being reported and can have an influence on your release, you’re afraid to share things.”*  
*“Positive evolutions also deserve some attention, what we can do and do well. At present it’s only ever about risks, problems, discipline, etc. and that’s all they react to. It’s discouraging.”*





# Refuting the objections



HANS CLAUS

Incarceration in the traditional prison system has now been taking place for more than two centuries. It goes without saying that changes to this system will generate resistance.

## **The cost**

In a world where economics dominates our thinking, the idea of working on a small scale almost sounds like an incitement to wastefulness. But is incarceration based on principles of Detention houses really more expensive? There are several reasons to believe that this is not the case.

The cost of incarceration can be broken down into public costs, private costs and external costs. Together they form the social cost of incarceration.

**The public cost** is what the various public authorities spend on incarceration, whether directly or via subsidies to organizations working in the prison system. In fact, no one knows exactly what the public cost of incarceration is in Belgium. For instance, the countless interventions by the police services during prison strikes do not feature in the accounts of the Ministry

of Justice, nor does the cost of not being able to deploy those police forces for their core duties because of such interventions. Volunteers are not paid, but voluntary organizations receive subsidies to support the work of their volunteers. And so forth: the list is a long one.

**The private cost** is what incarceration costs the prisoner and his family. A visit to a remote prison is a substantial expense for such a family. There are many such hidden costs as a result of incarceration. This private cost is also relatively unknown.

**The external costs** relate to the consequences of incarceration such as expenses due to a loss of productivity or to absenteeism from work.

Prisoners can no longer be the breadwinner at home and those left behind often have to rely on support from the state.

The costs of recidivism - criminality caused by incarceration - are also external costs. These costs are not insignificant. Crime creates enormous costs for both the victims and the public authorities. The police, prosecution, judges, the legal profession, insurance and the prison service all incur costs as a result.

## In summary

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### Public costs

Expenses incurred by the public authorities which are specifically related to incarceration: e.g. investment in infrastructure, staff expenses, operating costs.

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### Private costs

Expenses incurred by individuals or private organizations: e.g. prisoners' expenses, expenses incurred by private organisations not subsidised by the government.

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### External costs

Expenses linked to the consequences of incarceration: e.g. costs due to loss of productivity, costs arising from absenteeism at work

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### Social cost

The total costs arising from incarceration.

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That is the first point: **the social (or total) cost of incarceration today is unknown**. It is therefore difficult to argue that incarceration in Detention houses would be more expensive than incarceration in prisons.

‘A study of the social costs is ultimately an essential part of a cost-efficiency analysis and of a cost-benefit analysis (Postma, 2004). Such an analysis can show what investments are necessary and what the investment can ultimately deliver, the so-called return on investment (Lievens & Caulkins, 2010). In the current economic context, this type of study is likely to become

more and more important.’

(Vander Laenen, F. (2012). ‘Belgische overheidsuitgaven voor drugs. Preventie van misbruik en afhankelijkheid van alcohol als kind van de rekening’. Tijdschrift verslaving, 8(3), 14-29.)

Taking into account the first point, **cost cannot therefore be used as an argument to counter improvements in quality**. Economies of scale in the production of incarceration days can really weaken the quality of incarceration. For a subject that is as sensitive as the fight against crime, a lowering of quality can have serious consequences! The unrest that is currently brewing in the prisons merely serves to prove this point.

The prisoner's time in detention can be viewed as a project which yields results during the rehabilitation phase. In this sense it is no more than logical to invest sufficiently in proper preparation for that rehabilitation during the period of incarceration. Otherwise the project risks coming to an end without achieving the desired results. It is widely recognized in project management circles that sufficient investment is required in the first phases of a project. If that is not the case, the project goals are unlikely to be realised.

Small-scale, differentiated incarceration where a premium is placed on the supervisory network during rehabilitation is thus cost-effective in the longer term.

Aside from the costs there are of course also **the benefits**. These are broader than merely achieving good results and avoiding new and longer prison sentences.

A Detention house can be highly useful to the area in which it is situated and can yield benefits for the people who live roundabout. The house can – for example - run a dog shelter, or a social

restaurant, etc. For more information about these possibilities, the reader is invited to read the examples provided elsewhere in this book. In this way, incarceration is not only an expense for society, but can also be a benefit too.

At present, work organised in prison primarily benefits private businesses and the prison itself. But that can change if incarceration is more closely integrated into the social fabric of the wider community.

The socio-economic integration of detention is, moreover, a concrete way of making the incarceration more restorative. A Detention house embedded in the social fabric of a neighbourhood gives the inmates a positive image. The myths surrounding prisons shrink away and rehabilitation is consequently made easier.

Here are some more arguments related to the social costs of incarceration:

- Eventually, Belgium is going to have to invest in detention, both in terms of capacity and in terms of meaningful incarceration. The current buildings are old and creative thinking around how to make the prison experience more meaningful is still in its infancy. The fact that the articles concerning a prisoner's detention plan in the Basic Prison Law have not yet been implemented is proof of this. There is also pressure from Europe on Belgium to work on the quality of incarceration.
- Placing so many prisoners in a single institution – the prison – does nothing to alleviate risk. This concentration regularly leads to riots and vandalism within our penal institutions and, therefore, to expensive interventions and repairs.
- Instead of mass – and expensive – security measures, within which no differentiation is made between prisoners regardless of the phase of their sentence, one can instead invest judiciously in security measures. Within a system of Detention houses differentiation in security can be combined with modern electronic security.
- Since a number of prisoners can (dependent on the provisions of their solution plan) serve part of their sentence outside the walls, they will be able to make use of existing facilities in the community (sports, education, etc.). Consequently, there is no need to invest in these very expensive facilities within the prison walls.
- The differentiated infrastructure, which enables various mixed forms of security and counselling to be provided, can in principle be used for other purposes than sentence execution (youth protection, care for the elderly, psychiatry, etc.), dependent on the most pressing needs in the future. Building multipurpose Detention houses is thus smarter than building single-purpose prisons that cost a lot in terms of maintenance and security.
- Another advantage of small Detention houses is that the investment can be spread out over time. Thus we can deal at a later stage and in a much more supple way with required changes in detention capacity than now. In that respect too, Detention houses are a rational policy instrument.
- Detention houses can provide infrastructure (sport, medical care, etc.) that can be used not only by the prisoners who live there but also by the local community in which they are located. This is also something that has a positive influence on the cost. De Zande (Ruisseledé) has shown how the security

- perimeter can be moved in a smart way to in order to allow for this type of dual usage.
- Building Detention houses in a neighbourhood can result in an upgrading of the area.
  - Detention houses provide possibilities for student placements in the area.
  - The intervention teams from the local police are far better equipped to deal with an incident in a small-scale Detention house than for an intervention in the current prisons. Downscaling in any case benefits manageability.
  - The risk of large-scale fires diminishes. Ordinary fire extinguishers are therefore sufficient to alleviate fire risks in a small-scale establishment.

### **‘Public opinion’**

It is fashionable to claim that public opinion is very repressive. Detention houses appear to have less of a deterrent effect than traditional prisons. It is, however, the age-old association between punishment and prison that triggers these reactionary reflexes.

Good communication is therefore essential. It is not a huge task to persuade a group of people that locking up all prisoners together in such big prisons is not in fact such a great idea. People can quickly understand that a prisoner with a drug habit should not be in the same cell with a sex offender. They also find that a young delinquent needs another approach than a persistent offender. No one wants to see their drug-addict son who went down the wrong path end up in the prison where Dutroux is locked up.

In other words, the principle of differentiation is reasonably easy to sell.

To be able to differentiate without sending large

groups of prisoners across the country or even to Tilburg contrary to the principles which underlie an effective rehabilitation, it is necessary to downscale. You don’t need to be a genius to work that out.

There remains, however, that lingering association between punishment and incarceration, the act of letting go what is familiar, and the idea that the ‘houses’ are ‘even more luxurious’ than prisons. The only possible answer to these assumptions is to adopt a gradual approach.

That is why trial projects are a necessary first step. Gaining experience and becoming familiar with downscaled forms of incarceration are essential.

### **Not in my backyard?**

Building Detention houses in an area goes hand in hand with an upgrading of the area. New Detention houses can provide infrastructure (sport, medical care, etc.) that can be used not only by the inmates but also by the community in which they have been established.

When implementing the project (building the houses), an early and well-thought-out partnership strategy with the community, the local authorities and social services is a must. It is certainly no bad thing to have the local authorities as a ‘shareholder’ in the Detention house.

In an area where there are various kinds of social problems including slum landlords, the introduction of a Detention house can bring an important element of stability. Ultimately, a Detention house is ‘something regulated’, run by an authority that can be approached if there are complaints to be made or problems to solve.

## Opportunities

A 'smart' recidivism monitor (an instrument which measures the impact on the living environment and not only the commission of new criminal offences) can be linked to the project and can form the embryo of a reliable nationwide evaluation system for sentence execution. Such a system does not exist at present. The change from prisons to Detention houses can be used as a baseline for the introduction of such a system.

Scientific oversight of the regime and counseling is a must. In the field of criminology, science and practice operate far too far apart. More complementary ways of working must be found without compromising the independence of the research.

## Points worth paying attention to at the launch and potential growing pains

The project's strategic study group examined the issue of how this project could achieve prominence within our current social and political reality. The strategic steps are designed initially to facilitate the implementation of a trial project.

The replacement of prisons by incarceration in 'houses' can only happen gradually, spread out over a number of decades. Expertise needs to be built up. The old style prisons themselves were also not built overnight.

Having prisons and Detention houses existing and functioning simultaneously will have unintended side-effects that will gradually fade as the number of Detention houses increases and the number of prisons decreases.

During the start-up phase, one of the side-effects

will certainly be that Detention houses will constrain capacity expansion and therefore will have a net-widening effect. We will be inclined to keep sending offenders to jail and to use the Detention houses to lock up people that are currently not sent to prison. In the current Belgian context, this is likely to result in the offenders whose short-term prison sentences are not executed, being incarcerated in a Detention house.

Another side effect of the trial project can be that the prisons will remain saddled with the most difficult customers and that we will not want to burden the Detention houses with overcrowding. This in turn can lead to accusations of 'preferential treatment' (a creaming-off effect).

## Conclusion

We will have to confront these criticisms and side effects and not confuse them with the effects of the incarceration in the Detention houses. These are side effects of the co-existence of prisons and Detention houses on one hand, and of the challenges which each trial project faces, on the other.

During the 'differentiated sentence implementation' project of the Liga voor Mensenrechten, of which the non-profit organization De Huizen and this book are the result, the concept of Detention Houses was presented to a lot of diverse groups. These were the objections that we most frequently heard: cost, public opinion and the potential for pernicious side effects.

It is significant that these objections cannot in fact be substantiated. On the contrary, incarceration in Detention houses is generally seen as an improvement in the quality of the incarceration.



# Conclusion

HANS CLAUS

The ambitions of the non-profit organizations *De Huizen* and the *Liga voor Mensenrechten* are not modest.

The **ultimate objective** is the reform of the entire system of sentence execution and incarceration in Belgium towards a downscaled, differentiated system which much closer ties to society at large. Our current prisons must be replaced by small Detention houses in organized detention areas. Each prisoner must be able to benefit from an individualized solution plan. From the beginning, our sentences must prepare the prisoner for rehabilitation. Prison staff must be specifically selected and trained to make this possible. Detention must be taken out of the margins of

our society and instead must be fashioned in close interaction with it. This not only requires architectural adaptations, but involves change in different areas and at different levels.

This can be achieved step by step, but the foundations and the ultimate goal must be kept clearly in view and must not be watered down.

That is why it is necessary to switch, in a timely manner, from the pilot project to decision-making and full-scale implementation.

The risk of ‘net-widening’ will increase so long as the Detention houses co-exist with the current prisons.

Because of this, plans to implement the Detention houses must be accompanied by a plan to close the old prison establishments.





# The resolution text

## APPENDIX 1

### **Belgian Chamber of People's Representatives**

October 10, 2012

### **Resolution proposal for an experimental project on differentiated sentence execution**

(submitted by Ms Sarah Smeyers c.s.)

N-VA: Nieuw-Vlaamse Alliantie

PS: Parti Socialiste

MR: Mouvement Réformateur

CD&V: Christen-Democratisch en Vlaams

sp.a: socialistische partij anders

Ecolo-Groen: Ecologistes Confédérés pour

l'organisation de lutttes originales – Groen

Open Vld: Open Vlaamse liberalen en  
democraten

VB: Vlaams Belang

cdH: centre démocrate Humaniste

FDF: Fédéralistes Démocrates Francophones

LDD: Lijst Dedecker

MLD: Mouvement pour la Liberté et la Démocratie

Abbreviations used on numbering publications

DOC 53 0000/000: Parliamentary document of 53rd session + basic number and serial number

QRVA: Written questions and answers

CRIV: Provisional version of the Full Report (green cover)

CRABV: Concise Report (blue cover)

CRIV: Full report, with definitive full report on left, and on right translated concise report of speeches (with attachments) (PLEN: white cover, COM: salmon coloured cover)

PLEN: Plenum

COM: Committee meeting

MOT: Motions to conclude interpellations (beige coloured paper)

### **Official publications, published by the Chamber of People's Representatives (by Parliament)**

Orders:

Natieplein 2 (Nation Square)

1008 Brussel

Tel. : 02 549 81 60

Fax : 02 549 82 74

[www.dekamer.be](http://www.dekamer.be)

e-mail : [publicaties@dekamer.be](mailto:publicaties@dekamer.be)

## **Explanatory note**

Ladies and Gentlemen,

### **1. Introduction**

A sentence today means imprisonment. Meaningful sentence execution often implies a form of security (to a greater or lesser degree), but the content of a prison sentence should not automatically be equated with that security. Different forms of support are required to offer a genuine solution to problems like aggression, sexual or relational difficulties, addiction and social deprivation. A differentiated treatment is difficult in our large institutions. Moreover, these have been designed to impose the same kind of sentence to all inmates, the only difference being in the length of the sentence. Whenever a judge decides to impose a degree of security, he has no other option than this standard regime. This uniform security level jeopardises any attempt to make a sentence meaningful. By definition, prisons possess a culture that clashes with support. They are too large to be able to differentiate. The preoccupation with equal treatment and the maintenance of order far outweigh the necessary support. Generally, support only becomes a consideration after the sentence has been served. Overcrowded prisons have led to a massive policy of extending capacity. This in turn has led to difficulties and challenges in terms of budget, use of space and recruiting well-trained staff. Resources are required that are unavailable within the justice department, which places a burden on the entire government policy. Even after the implementation of the master plan proposed by the federal government, penitentiary in-

stitutions in Belgium will remain prisons that offer no solace for the needs that have been mentioned earlier. Furthermore, capacity requirements will not be sufficiently covered. In order to alleviate the pressure on prison capacity, alternative methods for successful sentence execution that leads to social reintegration will have to be found. One such method could be the development of a small-scale infrastructure that is integrated within society, offering tailor-made support to prisoners. Initially, this method should be complementary with existing prison infrastructure. After a positive evaluation, it might gradually replace in the forthcoming years. This resolution aims to make an appeal to the federal government, and especially to the Justice Minister and State Secretary responsible for the Administration of Public Buildings, to further investigate this alternative method by means of an experimental project for 'The Houses'. As support and rehabilitation of prisoners are responsibilities resorting under regional authorities, this resolution also appeals to the federal government to cooperate closely with the regions in order to roll out this project. With a view to a practically feasible and publically acceptable implementation of this experimental project, the authors of this resolution wish to emphasise the following key elements.

### **2. The need for differentiated support within a differentiated and integration-focused system of sentence execution**

The current approach to the organisation of sentence execution is fragmented:

1. The majority of personnel are deployed to carry out surveillance on prisoners. Attempts

to involve prison officers in the support of prisoners have consistently failed, due to the constant concerns with maintaining order for everyone who works in prison.

2. The involvement of the psycho-social services (PSD) is restricted to submitting reports on the personality and personal development of the prisoner. The executive detention management department of the federal government uses these reports to make decisions on steps towards release from prison.

3. Regional authorities and NGO's endeavour to address detention and reintegration from the needs identified by the prisoners themselves, but these institutions are not accessible to all prisoners. Upon (partial) release from prison, probation assistants follow up the former prisoner, which results in the ex-prisoner being supported by people with whom he is not familiar.

4. Restorative Justice services are only available to those who explicitly ask for them. These services subsequently investigate whether reconciliation with the victim is possible and will follow up the case during all phases of detention and even thereafter. This fragmented approach hinders the connection between society and the prisoner. Support of prisoners should be organised along the lines of the restorative justice services, the only difference being that this should be approved and supervised by the sentence execution judge. Thus support workers should not be linked with just one particular prison centre, but rather with the individual prisoner, right up to the end of his sentence and final release. Other than support, there is obviously still a need for surveillance and for socio-cultural workers. These should remain linked with the detention centres, on condi-

tion that they have weekly meetings with support workers. Differentiated support – be it individual or in group – should be geared towards the job market, social security, aggression management, addiction care, relational and family therapy and any other forms of support that might advance reintegration.

### **3. The need for a differentiated and integration-focused sentence execution trajectory**

Today, the nature of sentence execution is largely determined by an amalgam of individual initiatives, by prison authorities and by stakeholders from regional authorities. Prisoners freely subscribe to the activities that are available and that interest them. Later on during detention, PSD services write a report on the personality of the prisoner. The need for support is determined on the basis of this report. The sentence execution court stipulates specific sentence execution measures according to the support that is available. What is on offer and what is required do not necessarily match. This connection is sometimes not considered, or is perhaps only determined after a lot of time has elapsed. In order to improve these imperfections, we propose a differentiated and integration-oriented sentence execution trajectory. In this trajectory, the judge responsible for sentence execution will have a personal report at his disposal right from the beginning of the detention. Based on the need for support and security the judge will decide to which detention centre the prisoner will be sent, and what programme he or she will have to follow. The sentence execution court will fol-

low up the execution of the sentence and will adapt the programme – based on the findings of the support workers – and will determine the conditions on which the prisoner may leave the house in a further step (limited detention, electronic surveillance, release on probation).

#### **4. The need for differentiated sentence execution – experimental project ‘The Houses’**

The test project ‘The Houses’ envisages the establishment of a number of small-scale detention houses that would accommodate a maximum of ten sentenced people and two supporter workers per house. This project should be able to offer a differentiated detention programme focusing on employment, support, training, sport and leisure, culture. Joint activities with the local community could possibly be organised after careful investigation and where security and societal requirements permit. Visits should always take place inside the house, after checking visitors. Visits should also be differentiated: in individual living quarters, in the communal leisure room, in individual rooms with surveillance, in a safeguarded visitors’ room or in individual rooms without surveillance.

#### **5. The need for evaluation and policy research**

To facilitate the evaluation and the evolution of future policy, this experimental project should be closely monitored by means of a policy research initiative in a joint effort between universities from the Flemish and Walloon Communities.

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#### **Resolution Proposal Chamber of People’s Representatives**

A. Considering the special law (act) of August 8, 1980 on the reform of institutions, notably article 5, ° 1, II, 2° Δ en 7° Δ, changed by law of August 8, 1988, and article 92 bis ° 1, added by the law of August 8, 1988 and changed (amended) by the special law of July 16, 1993;

B. Considering the basic law of January 12, 2005 on the penitentiary system and the judicial position of prisoners;

C. The law of May 17, 2006 on the external judicial position of people sentenced to imprisonment and the rights allocated to the victim in the context of sentence execution modalities;

D. The cooperation agreement of October 8, 1998 between the federal state and the Flemish Community on the support and treatment of perpetrators of sexual abuse;

E. The cooperation protocol of March 25, 1999 between the Justice Minister (Secretary) and the members of the United College of the Common Community Committee, authorised on matters of support to persons regarding assistance to prisoners and people subjected to a sentence within the Community;

F. The cooperation agreement of May 4, 1999 between the Federal State and the Walloon Region regarding support and treatment of perpetrators of sexual abuse;

G. Considering that support, tailor-made for sentenced persons, forms an essential part of meaningful sentence execution and that support workers for prisoners should not be solely linked with one particular detention facility, but should remain with the same prisoner right up to the time of their final release;

H. Considering that the present penitentiary facilities allow insufficiently differentiated support, in particular because of their large size and because of persistent structural overcrowding in our prisons;

I. Considering that alternative methods for successful sentence execution, focused on reintegration of ex-prisoners in society, could relieve the pressure on our prison capacity and that these methods should be investigated;

J. Considering that the project "differentiated sentence execution", such as conceived at the instigation of the Human rights League could form a valuable alternative method, which, if budget restrictions permit, should be further developed.

K. Considering that this project advocates the need for differentiated support of sentenced people in a differentiated and integration-focused sentence execution system;

L. Considering that this project advocates the need for a differentiated and integration-focused sentence execution trajectory;

M. Considering that in the context of this project an experimental project is proposed, where some small-scale closed detention houses will be established, offering tailor-made support and differentiated detention programmes, in particular with extended facilities for family visits;

N. Considering that this project emphasises the importance of prisoners being able to live together with companions, notably with people who share the need for similar support;

O. Considering that this test project could be targeted at juvenile people who have not yet served a prison sentence and preferably at one or several of the following target groups:

- People sentenced to a prison sentence of three years or less, and having no previous prison record;
- People who have been unable to successfully complete measures imposed in the context of the Diversion from Prosecution or Drug Treatment Court projects in the judicial district of Ghent;
- People whose electronic surveillance has been revoked;
- People sentenced to carry out work in the community who have not successfully completed their sentence and where the prosecutor has requested an additional measure;
- People sentenced to a prison sentence of more than three years, having reached the

stage that precedes electronic surveillance or release on probation;

**THE FEDERAL GOVERNMENT REQUESTS:**

1. The implementation of a number of closed detention houses based on the example of the proposed project of 'The Houses' and aimed at the above-mentioned target groups, for a limited number of well-defined people requiring similar support, and offering adequate guarantees for security, intra muros support and detention programmes;
2. To develop the test project in close cooperation with all the stakeholders involved, in particular the regional authorities, the Building Administration, the attorneys general and the prosecution service, the sentence execution courts, probation service and social welfare centres;
3. To simultaneously conclude the consultation and cooperation with the communities

in a protocol agreement;

4. To draw up a budget and a scenario for legal, architectural and organisational requirements within a period of 12 months;
5. To inform the population in the vicinity of the test project on a regular basis;
6. To draw up an evaluation report 36 months after the start of the test project, in cooperation with several universities from the Flemish and Walloon Communities;
7. To inform the chamber of people's representatives on a regular basis about the test project

October 1st 2012

Sarah SMEYERS (N-VA)  
Renaat LANDUYT (sp.a)  
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**Lieven Nollet** is chairman of The Houses NGO and a photographer ([www.lievennollet.be](http://www.lievennollet.be)).

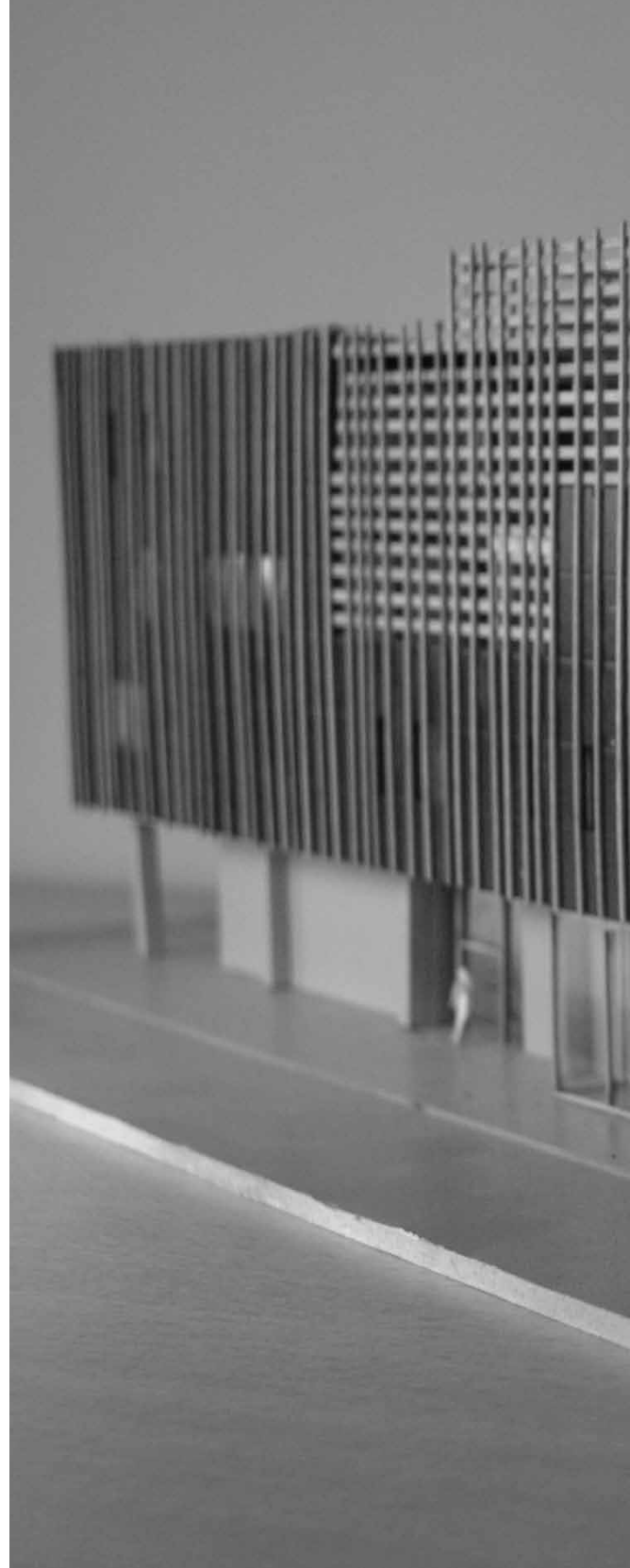
**Xaveer Laureyns** is attaché-lawyer with the central administrations of the directorate general for penitentiary institutions.

**Jos Van der Velpen** is a lawyer and chairman of the Human Rights League.

**Juliaan Van Acker** is honorary professor orthopedagogy and project leader of a project for recurrent young offenders ([www.ministrando.org](http://www.ministrando.org)).

# Design proposals for Detention houses

## APPENDIX 2







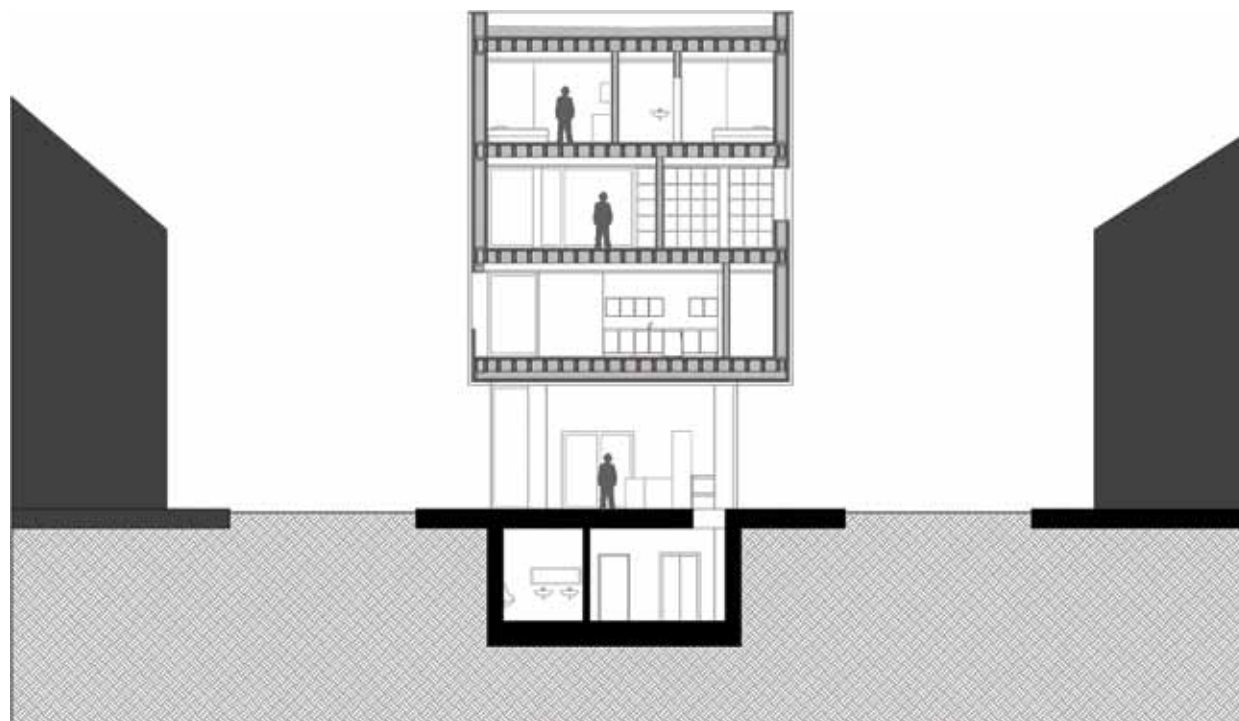
**a custody house surrounded by streets**



basement floor plan



ground floor plan



cross section



first floor plan



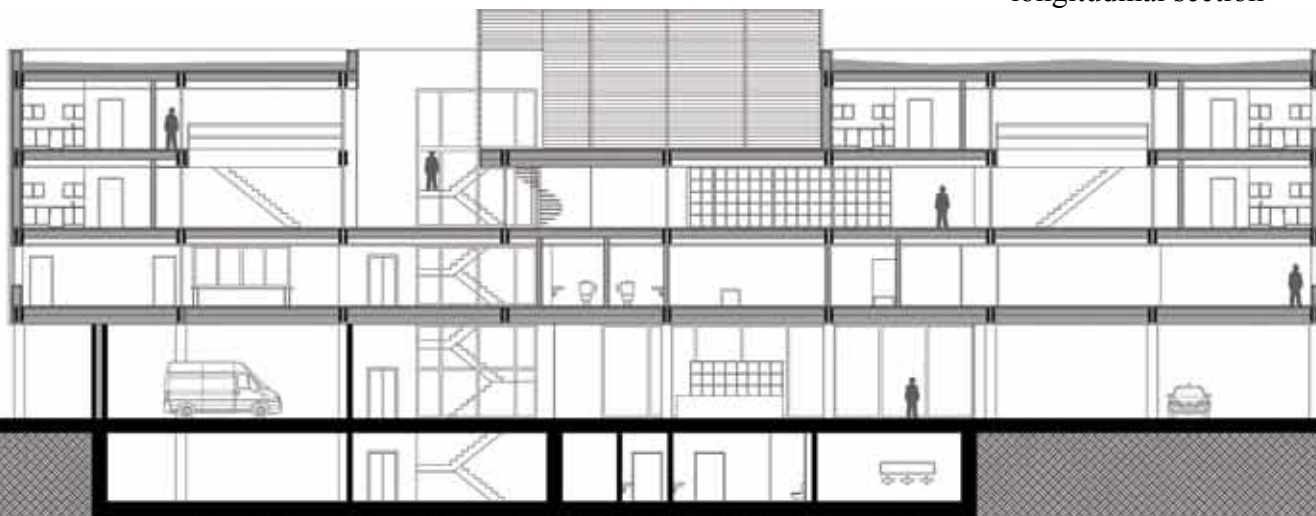
second floor plan



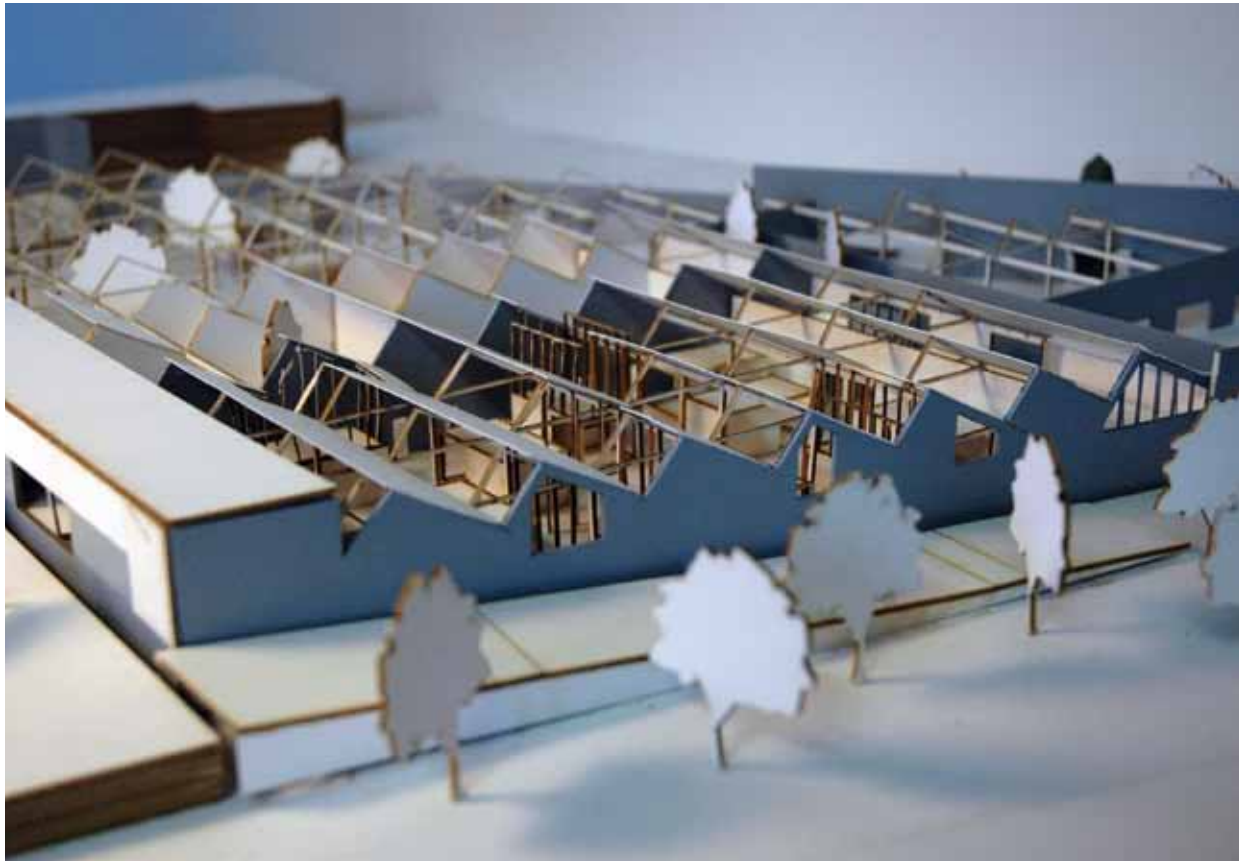
third floor plan



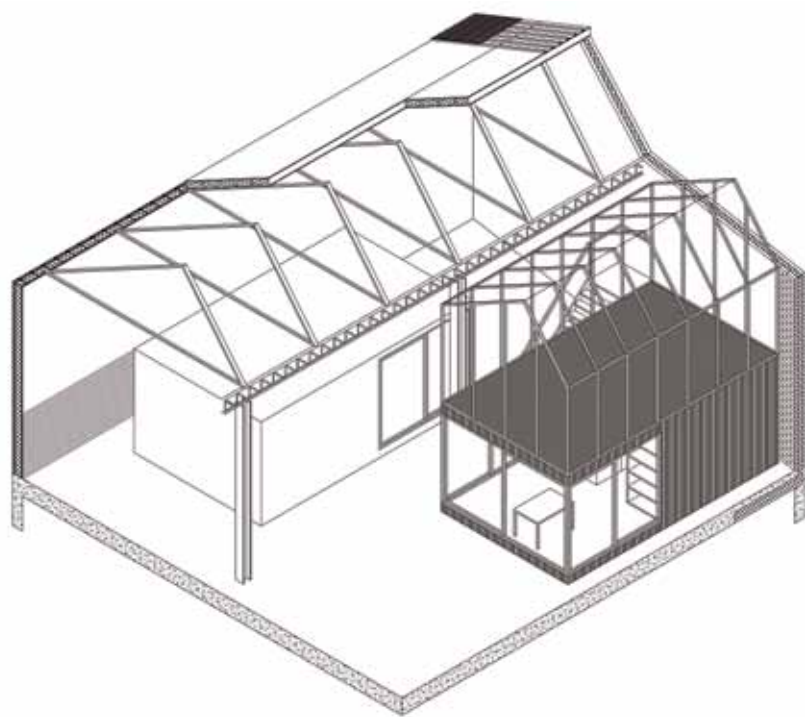
perspective view and  
longitudinal section



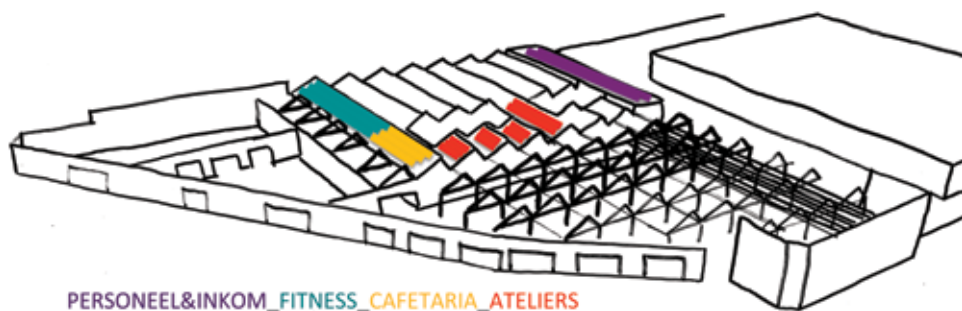




**detention house within  
a 19th century factory**

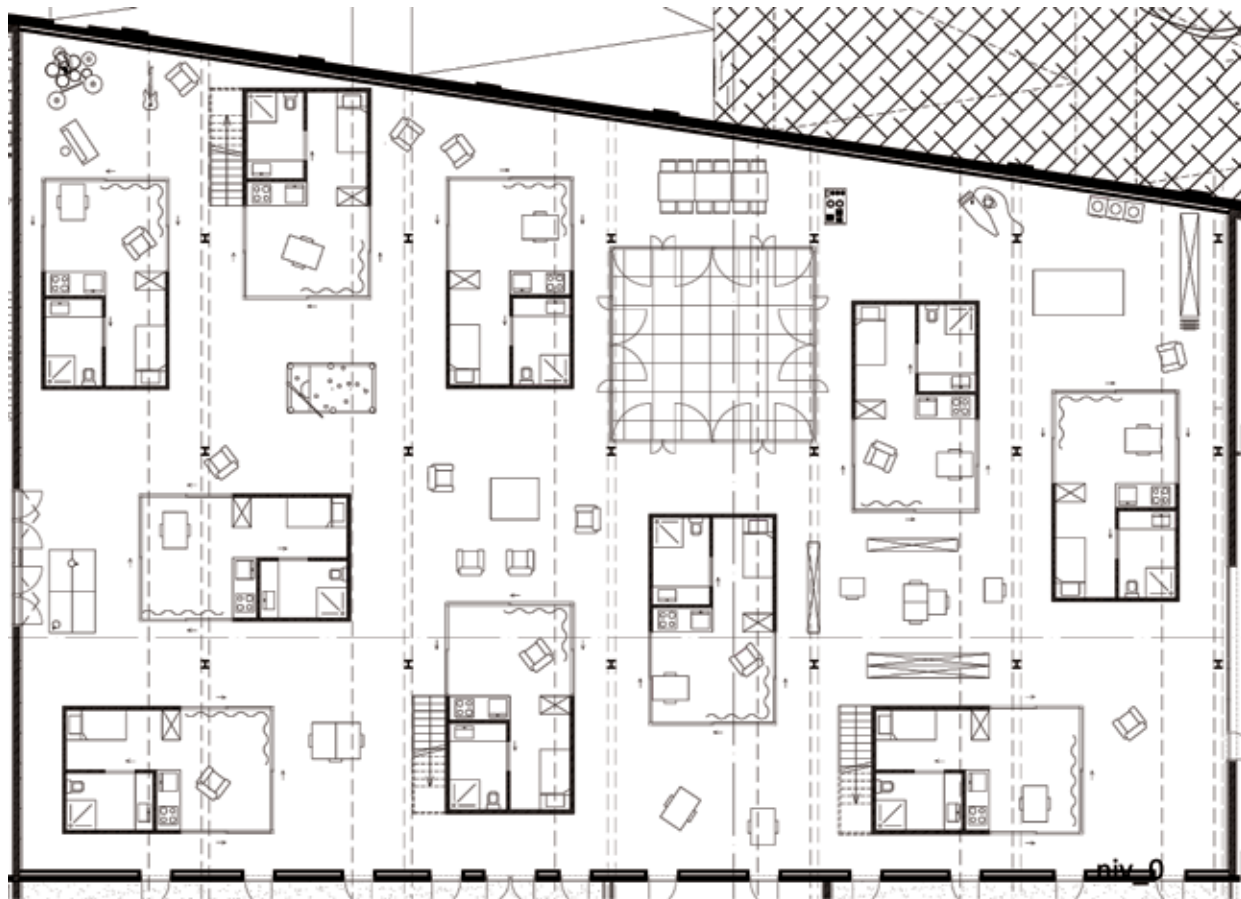


The detention house is made up of individual accommodation spaces which are freely arranged within the former factory and are surrounded by collective space (dining and seating, relaxation, etc.) A garden patio is situated in the centre of the building. Some individual accommodation areas have a greenery on top of the volume.



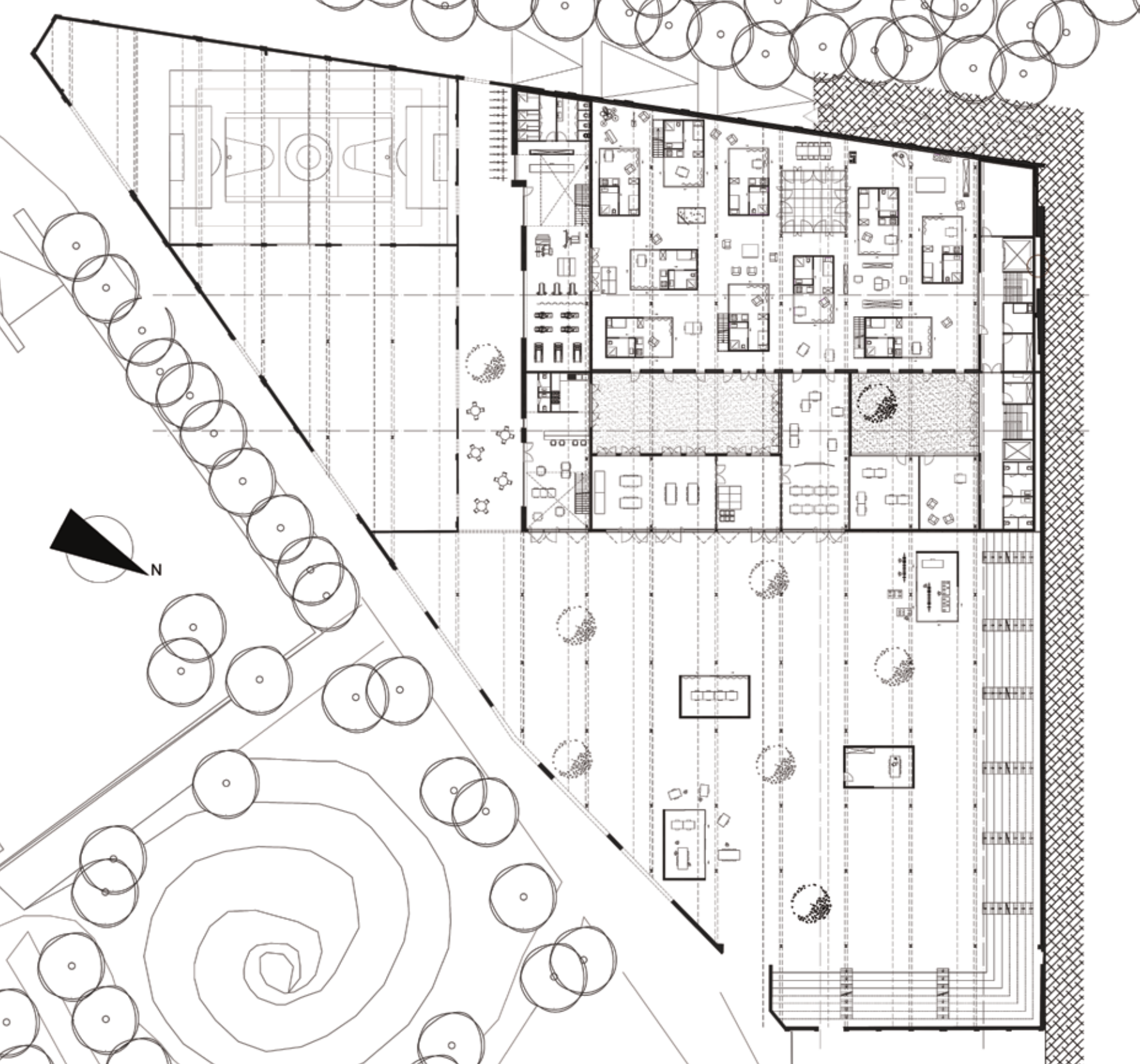
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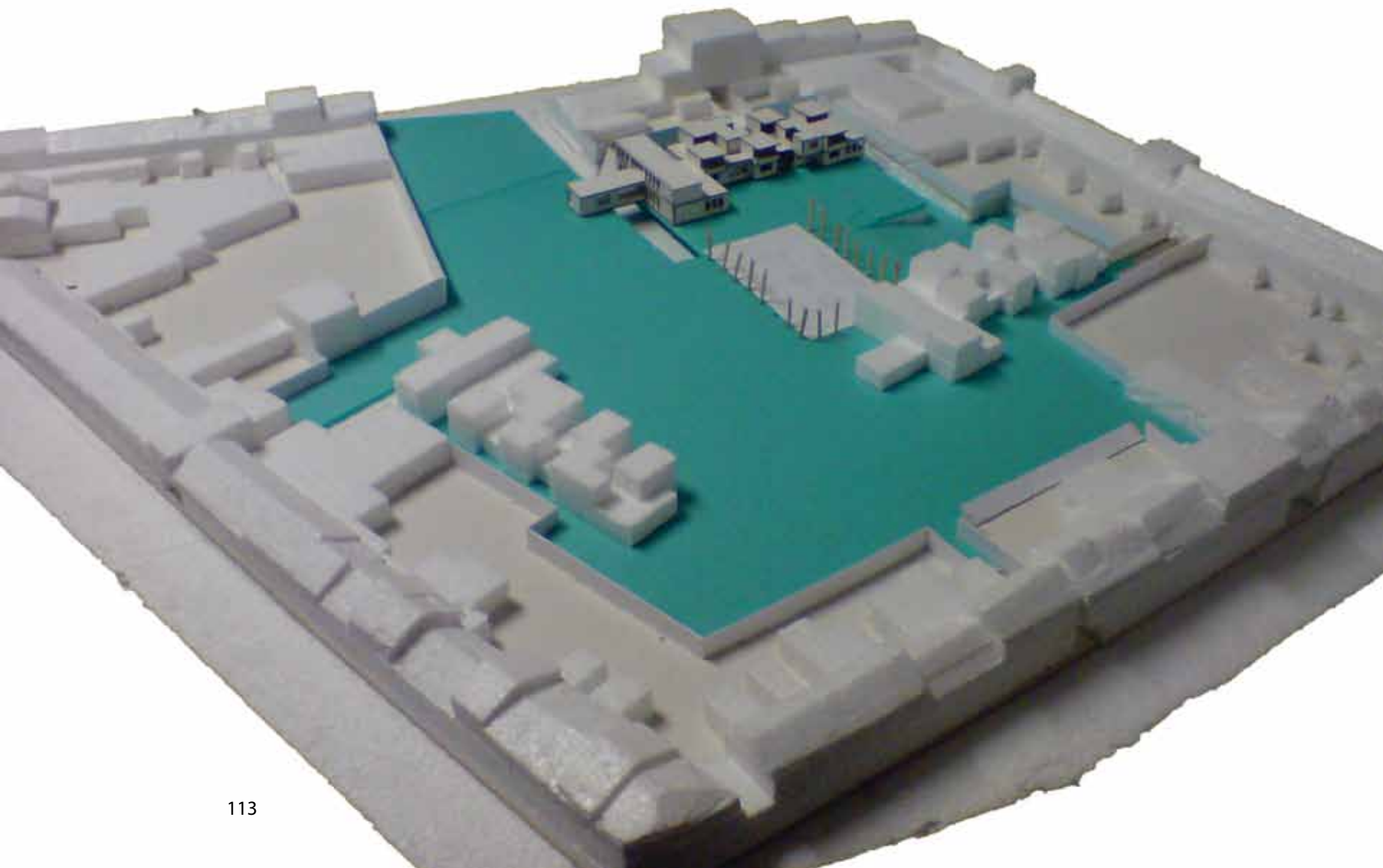
floor plan of individual  
spaces in the factory



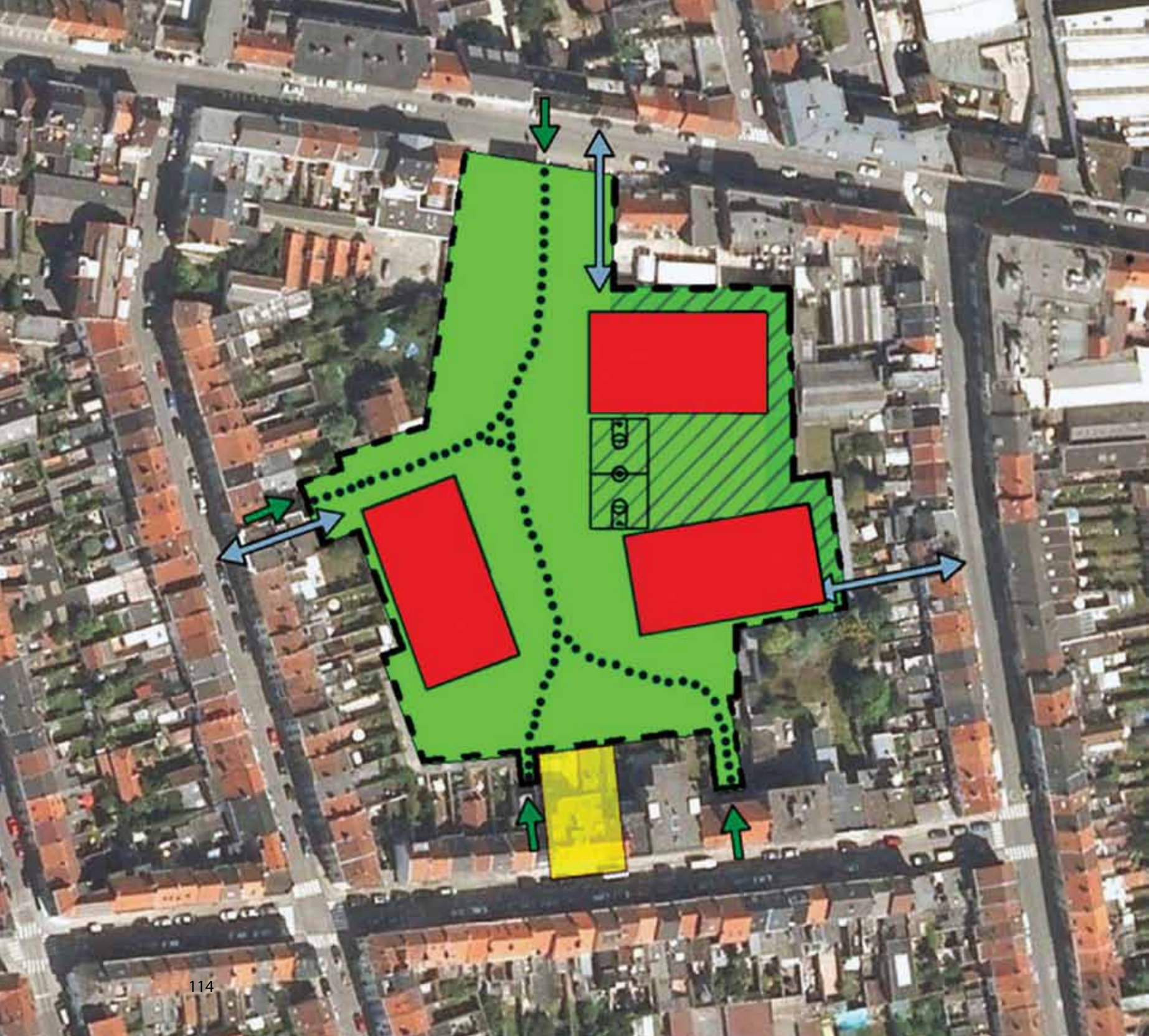




**three houses in a  
large urban block**









left page: situation plan of three detention houses within an urban block

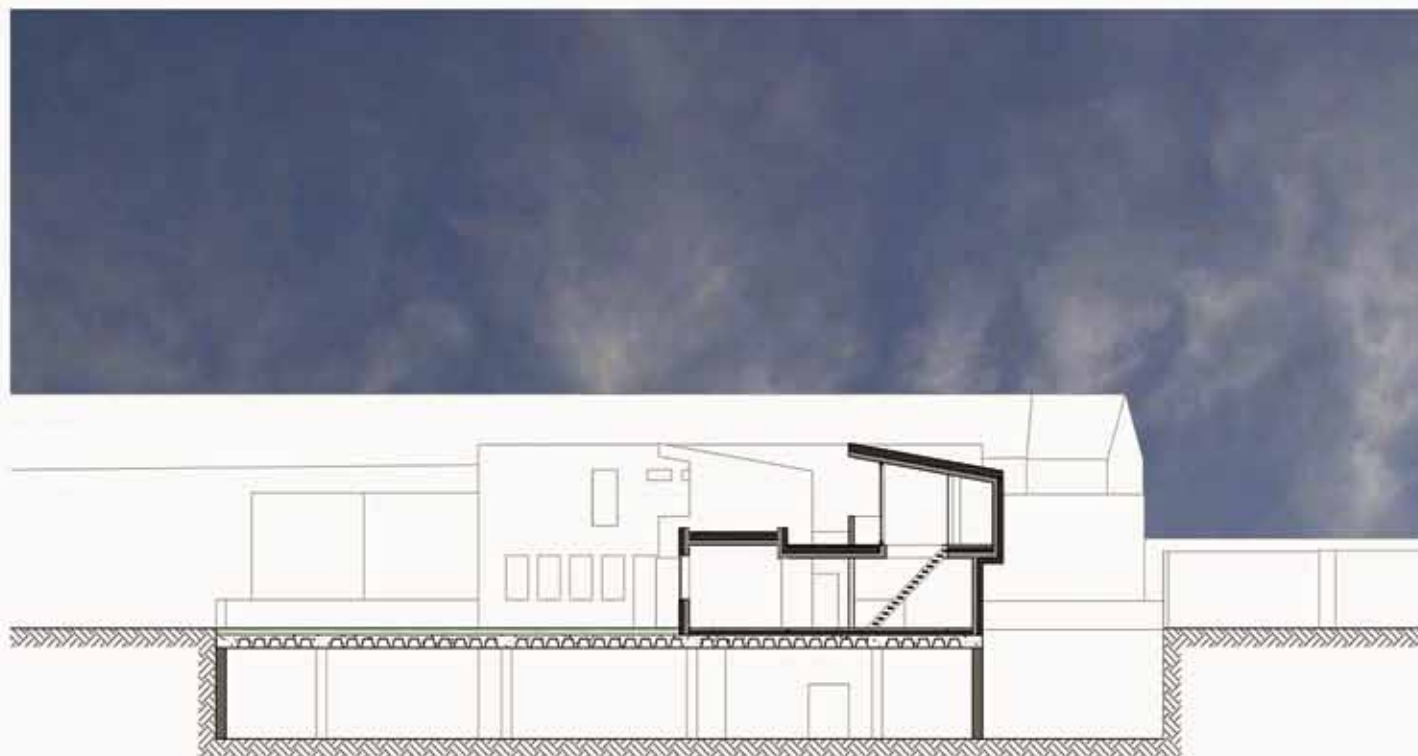


ground floor plan (reception, community rooms, individual rooms)  
first floor plan (staff room, duplex of individual rooms)

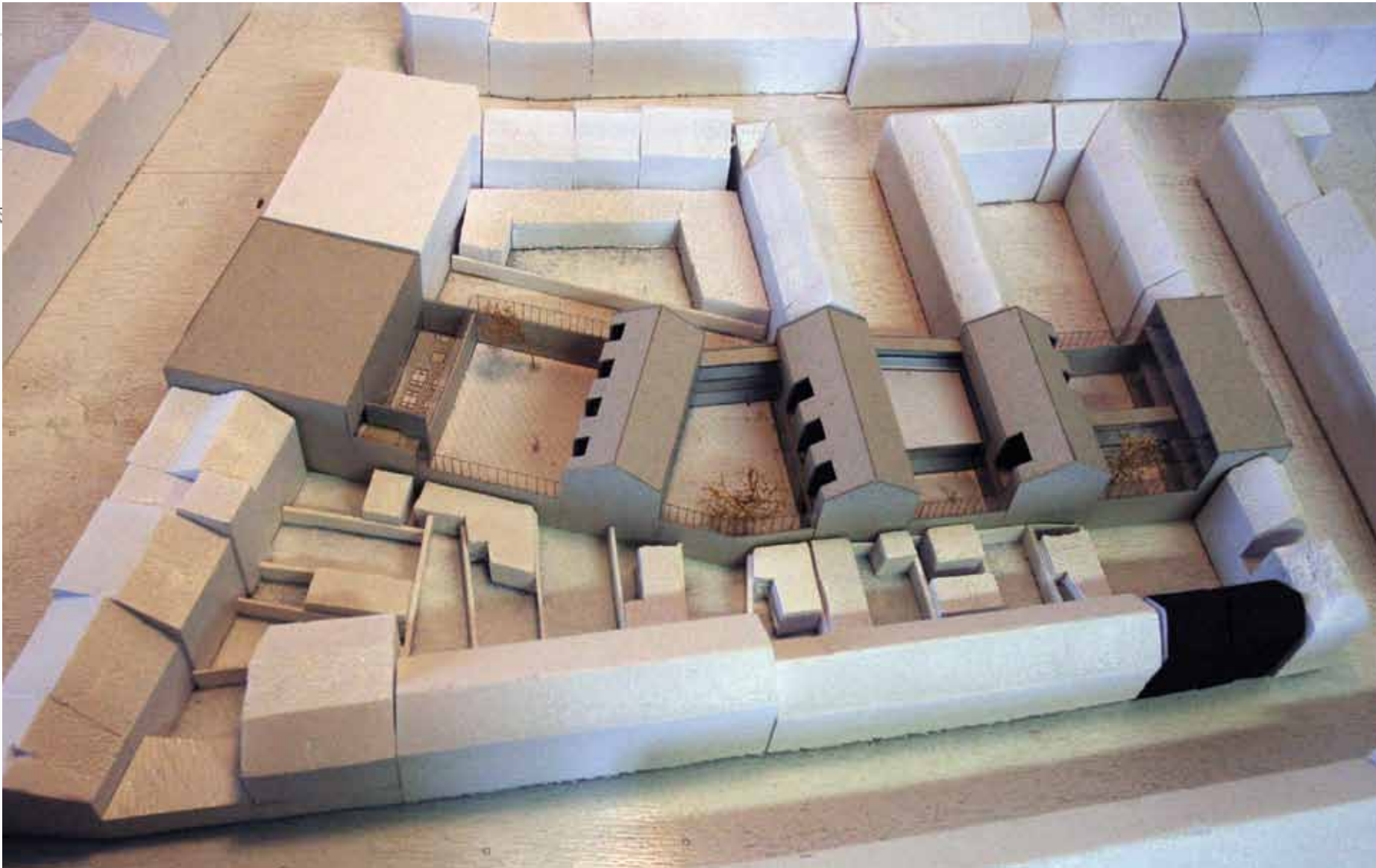


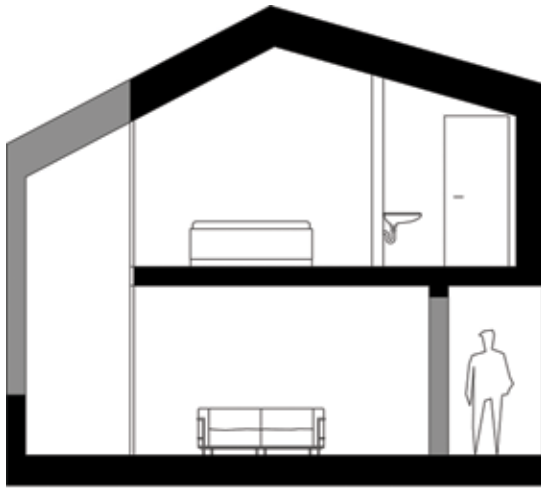


cross section and longitudinal section across the detention house and the underground parking

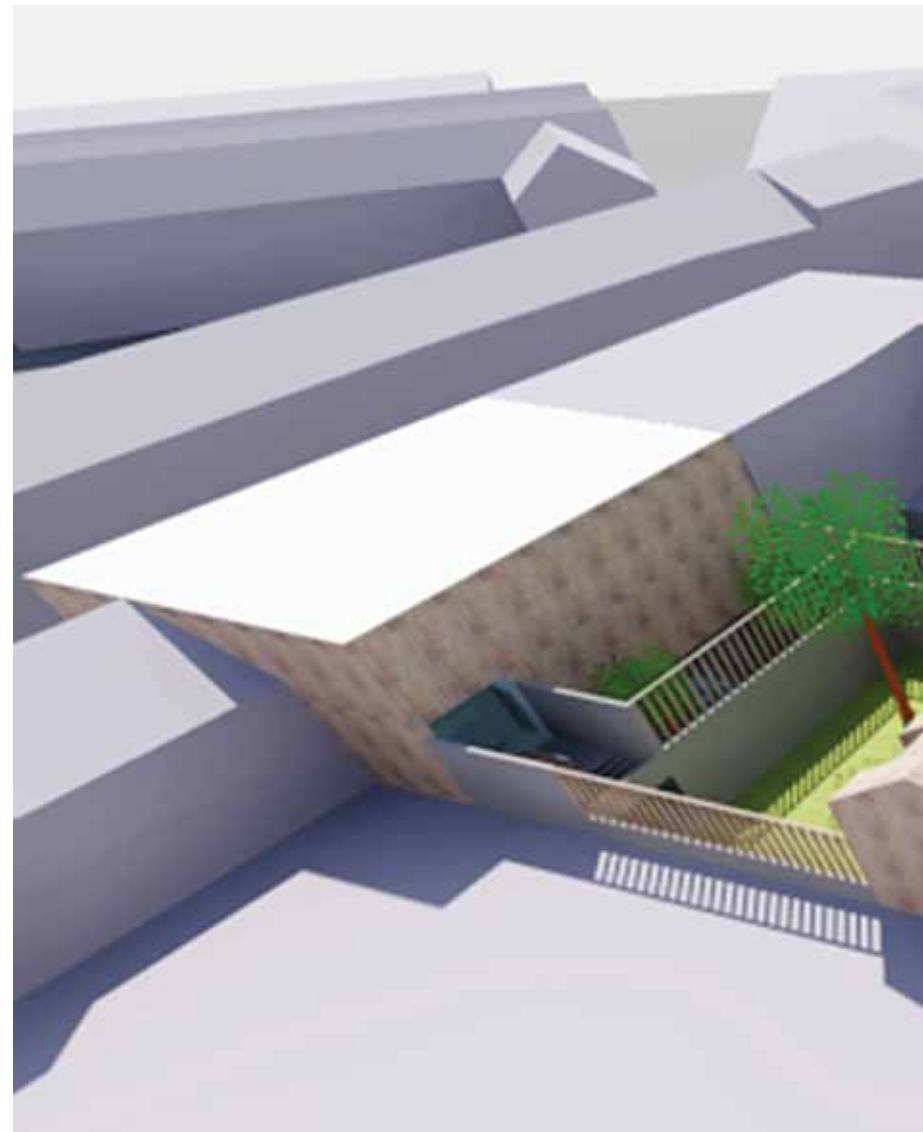


## strip across an urban block





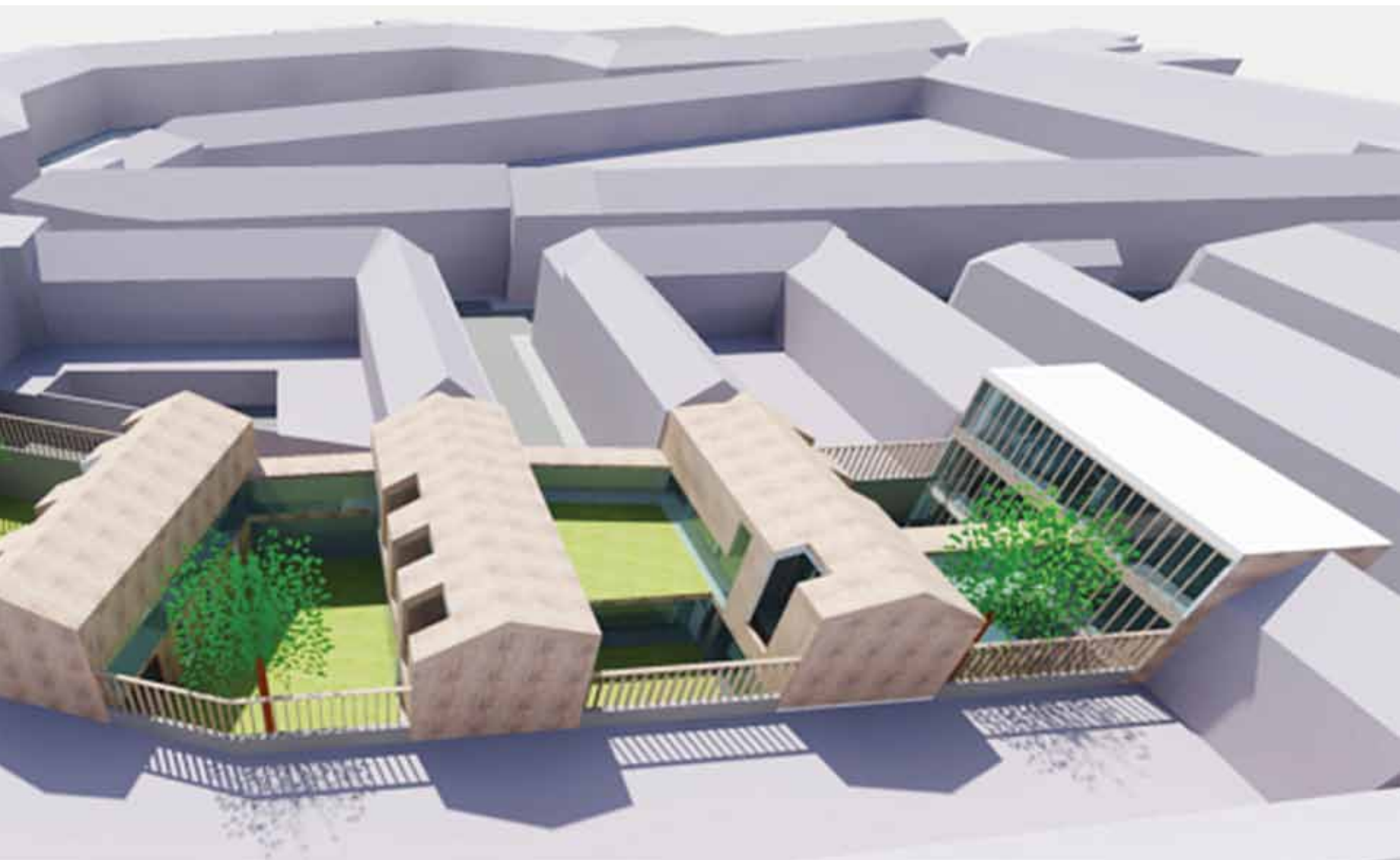
floor plan and section across  
an individual duplex room







longitudinal section and perspective view





ground floor plan  
and first floor plan

